

**COUNTRY OF ORIGIN INFORMATION REPORT**

# **UKRAINE**

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JUNE 2006

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## 1. Scope of Document

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- 1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 23 June 2006.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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## ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk)
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-

Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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## 2. Geography

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- 2.01 Ukraine occupies a total land area of 603.700 sq. km and is situated in Eastern Europe. It has land borders with Belarus, the Russian Federation, Romania, Moldova, Hungary, Slovakia and Poland. Its population is 47.8 million (est.) of whom 77.8 per cent are ethnic Ukrainians, 17.3 per cent ethnic Russians and five per cent belong to other ethnic groups, including Romanians, Polish, Hungarians and Crimean Tatars (based on 2001 census). The capital of Ukraine is Kiev (Kyiv). (FCO Country Profile, 9 February 2006) [2a]
- 2.02 As noted by the Foreign and Commonwealth Office (FCO) in its Country Profile for Ukraine, last updated on 9 February 2006, "Ukrainian is the official language, but Russian is widely spoken, particularly in the east and south. There are small numbers of Romanian, Polish and Hungarian speakers." [2a]
- 2.03 In its Country Profile on Ukraine dated 30 May 2006, BBC News stated that "A significant minority of the population of Ukraine are Russians or use Russian as their first language. Russian influence is particularly strong in the industrialised east of the country, where the Orthodox religion is predominant, as well as in Crimea, an autonomous republic on the Black Sea which was part of Russia until 1954. The Russian Black Sea Fleet has its base there." [1a]

(See also Annex B: [Maps](#))

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### 3. Economy

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3.01 As recorded by the CIA World Factbook 2005:

“After Russia, the Ukrainian republic was far and away the most important economic component of the former Soviet Union, producing about four times the output of the next-ranking republic. Its fertile black soil generated more than one-fourth of Soviet agricultural output, and its farms provided substantial quantities of meat, milk, grain, and vegetables to other republics. Likewise, its diversified heavy industry supplied the unique equipment (for example, large diameter pipes) and raw materials to industrial and mining sites (vertical drilling apparatus) in other regions of the former USSR. Ukraine depends on imports of energy, especially natural gas, to meet some 85% of its annual energy requirements.” [4](p5)

3.02 The same source continued:

“Shortly after independence in December 1991, the Ukrainian Government liberalized most prices and erected a legal framework for privatization, but widespread resistance to reform within the government and the legislature soon stalled reform efforts and led to some backtracking... Ukrainian government officials have taken some steps to reform the country’s Byzantine tax code, such as the implementation of lower tax rates aimed at bringing more economic activity out of Ukraine’s large shadow economy, but more improvements are needed, including closing tax loopholes and eliminating tax privileges and exemptions. Reforms in the more politically sensitive areas of structural reform and land privatization are still lagging. Outside institutions – particularly the IMF – have encouraged Ukraine to quicken the pace and scope of reforms. GDP in 2000 showed strong export-based growth of 6% – the first growth since independence – and industrial production grew 12.9%. The economy continued to expand in 2001 as real GDP rose 9% and industrial output grew by over 14%. Growth of 4.6% in 2002 was more moderate, in part a reflection of faltering growth in the developed world. In general, growth has been undergirded by strong domestic demand, low inflation, and solid consumer and investor confidence. Growth was a sturdy 9.3% in 2003 and a remarkable 12% in 2004, despite a loss of momentum in needed economic reforms.” [4](p5-6)

3.03 As noted by the US State Department’s Background note on Ukraine, dated 5 August 2005, “The economy remains burdened by excessive government regulation, corruption, and lack of law enforcement, and while the Yushchenko government has taken steps against corruption and small and medium enterprises have been largely privatized, much remains to be done to restructure and privatize key sectors such as energy and telecommunications.” [3e] (p4)

#### CURRENCY

3.04 As noted by the CIA World Factbook 2005, the Ukrainian currency is the hryvnia (UAH) and the exchange rate in 2004 was 5.3192 to the US dollar. [4](p9)

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## CORRUPTION

3.05 According to the NGO Transparency International (TI) and their Corruption Perception Index 2005, Ukraine is in the bottom half of the table when it comes to its own citizens' perceptions of the level of corruption – it scored 2.6 out of ten (ten being zero perception of corruption). According to TI a score of less than three out of ten indicates “rampant corruption.” [18]

3.06 The BBC News Country Profile on Ukraine, dated 30 May 2006, reported that:

“The optimism that followed the Orange Revolution [in December 2004] has faded for many Ukrainians. Economic growth has slowed and prices have risen. One of Mr Yushchenko’s key pledges was to fight corruption. In a country where business and politics remain closely entwined this has turned out to be tricky. Mr Yushchenko himself has faced allegations of cronyism. Nine months after he took office, the president sacked the government of Yulia Tymoshenko, a key ally in the Orange Revolution. Her government had become embroiled in wrangling over privatisation.” [1a]

**(See also Section 4.06 [Post-Orange Revolution \(February 2005 onwards\)](#))**

3.07 As reported by the FCO in its Country Profile for Ukraine, last updated on 9 February 2006:

“In September 2000, Georgiy Gongadze, an internet-based investigative journalist who reported on the machinations of Ukraine’s corrupt oligarchs, disappeared. His headless body was discovered two months later. Gongadze’s disappearance and death blossomed into the deepest political crisis in Ukraine since independence when, in November 2000, the leader of the Socialist Party (Olexandr Moroz) told the Rada that he had recordings of Kuchma, his chief of staff, the head of state security, and the interior minister suggesting their complicity in the journalist’s disappearance. The recordings also contained conversations implicating Kuchma and others in the government in abuse of office, corruption and possible election fraud. The scandal prompted widespread public demonstrations against Kuchma and the Rada’s pro-presidential majority collapsed.” [2a]

3.08 The same source noted that “The new authorities maintained the improvements in the media freedom and respect for the constitution. It also took positive steps to take forward the investigation into the murder of Georgiy Gongadze, as well as the cases of other missing journalists.” [2a]

**(See Section 6.12 [Journalists](#))**

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## GOVERNMENT ATTEMPTS TO COMBAT CORRUPTION

3.09 Following an EU Assessment Mission to Ukraine, the International Centre for Migration Policy Development (ICMPD) stated in their May 2006 report that the

Minister of Interior (Mol) and the Security Service of Ukraine (SBU) are primarily responsible for targeting corruption, as well as prosecutor's offices, military law enforcement and other agencies and divisions established to fight corruption under current legislation. The report noted that in 2005 1,350 officials were brought to trial for violating the law of Ukraine. Officials included representatives of regional State administrations, district State administrations and local self-governments. The Mol also detained and arrested a Ministry of Defence official who was soliciting a bribe of \$600,000 from contractors. No member of central government has been charged with corruption although it should be noted that elected members of the Verkhovna Rada (Parliament) have immunity from prosecution. [17] (p85)

- 3.10 On the 7 April 2006, the Ukrainian Government Portal reported on a press conference held with Internal Affairs Minister Yuriy Lutsenko, focusing on basic priorities in the law-enforcement bodies' activities. The report noted that "According to the Minister, the priorities remain unchanged and they are combating corruption and illegal use Ukraine's [sic] mineral resources and completion of the reformation of police bodies. According to Lutsenko, the legislation must be amended in order to strengthen efficacy of corruption fighting." [16]
- 3.11 As recorded by the US State Department's Country Report on Human Rights Practices in 2005:
- "Human rights groups did note that the country made modest progress in combating corruption during the year. For example, the 2004 sale of the massive Kryvorizhstal steel works to government-connected insiders was invalidated by the courts. The government re-privatized the company during the year in an open and transparent process, whose proceedings were broadcast live on national television channels. The world's largest steel company, Mittal, acquired Kryvorizhstal for \$4.8 billion (UAH 24 billion), \$4 billion (UAH 20 billion) more than the 'insiders' consortium (headed by President Kuchma's son-in-law) paid in the rigged 2004 privatization." [3d] (Section 3)
- 3.12 Following a meeting of the National Security and Defense Council (CNSD), held on 7 March 2006, it was decided that Ukraine would establish a National Investigation Service for fighting corruption among high ranking officials by July 2006. (Russian news agency, Ros Business Consulting, 7 March 2006). [38]
- 3.13 The Moscow Human Rights News agency, Prima, reported on 22 October 2005 on the arrest of a Captain, three Senior Lieutenants and two Lieutenants from the Criminal Investigation Department, Desnyansky Region of the Kiev Police Department. The arrest followed two months of observation by the Kiev Special Forces Division on Organised Crime. The six officials were questioned on charges of robbery, extortion and other crimes. It was alleged that they beat people and used bribes to close criminal cases. [37a]
- 3.14 The same source reported on 14 September 2005 on the ongoing investigations into a number of civil servants on issues of corruption. The report stated that former Ukrainian Chief Prosecutor, Gennady Vasilev, was being investigated for the attempted seizure of 1,700 hectares of land in 2004, which belonged to prison colony No. 115 of Kiev district; President of the Ukrainian State Reserve, Nikolai Pesotski, has been accused of losing the state \$7 million US dollars after illegally selling reserve aircraft fuel; the former deputy president

of the Ukrainian State Security Service is being sought by the authorities after selling property in the Crimea, which belonged to the Security Service; the Mayors of Sevastopol, Sumi and Konotop were also all under investigation for corruption. [37b]

- 3.15 Reporting on the Ukrainian Parliament's passing of a bill, aimed at reforming the country's customs service and curbing corruption, Radio Free Europe/Radio Liberty stated on 6 September 2005 that:

"The legislation makes chiefs of customs checkpoints partially responsible for the criminal activities of their subordinates. ...It also makes it illegal for a customs officer to perform his or her job at a location of his choice. The regulation is aimed at preventing import-export businesses from developing financial relationships with individual Ukrainian customs officers, and then exploiting such relationships to avoid paying duties on goods." [33b]

- 3.16 Radio Free Europe/Radio Liberty reported on 19 July 2005 "Ukrainian President Viktor Yushchenko has called for a shake-up of law-enforcement agencies in an attempt to crack down on corruption and organized crime. The president ordered the disbanding of the country's traffic police, known by the acronym DAI. He also called for replacing regional police chiefs." The report stated "[that] President Yushchenko said that it is necessary to change all Ukrainian regional police chiefs in order to counteract corruption and enhance efficiency of law enforcement. . . 'With a new personnel we will have hope that the work in regions will improve.... If we begin fighting corruption from the beginning, we should fully replace people representing the discredited part of the police,' Yushchenko said. ..." [33a]

- 3.17 However, according to media reports, as of the year's end, the traffic police continued to function. The Ministry of Interior asserted that parliament needed to pass legislation to reform the traffic police. (USSD 2005 Report) [3d] (Section 1d)

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## 4. History

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- 4.01 As reported by the US State Department's Background note on Ukraine, dated 5 August 2005:

"When the Nazis invaded the Soviet Union in 1941, some Ukrainians, particularly in the west, welcomed what they saw as liberation from Communist rule, but this did not last as they quickly came to understand the nature of Nazi rule. Nazi brutality was directed principally against Ukraine's Jews (of whom an estimated 1 million were killed), but also against many other Ukrainians... Kiev and other parts of the country were heavily damaged. After the Nazi and Soviet invasions of Poland in 1939, the western Ukrainian regions were incorporated into the Soviet Union. Armed resistance against Soviet authority continued as late as the 1950s. During periods of relative liberalization – as under Nikita Khrushchev from 1955 to 1964 and during the period of 'perestroika' under Mikhail Gorbachev – Ukrainian communists pursued nationalist objectives. The 1986 explosion at the Chornobyl (Chernobyl in Russian) nuclear power plant, located in the Ukrainian SSR, and the Soviet Government's initial efforts to conceal the extent of the catastrophe from its own people and the world, was a watershed for many Ukrainians in exposing the severe problems of the Soviet system. Ukraine became an independent state on August 24, 1991, and was a co-founder of the Commonwealth of Independent States (CIS) following the dissolution of the Soviet Union, although it has not officially joined the organization." [3e] (p3)

- 4.02 The same source stated:

"In March 2002, Ukraine held its most recent parliamentary elections, which were characterized by the Organization for Security and Cooperation in Europe (OSCE) as flawed, but an improvement over the 1998 elections. The pro-presidential For a United Ukraine bloc won the largest number of seats, followed by the reformist Our Ukraine bloc of former Prime Minister Viktor Yushchenko, and the Communist Party. There are 450 seats in parliament, with half chosen from party lists by proportional vote and half from individual constituencies. However, under a new law passed in 2004, all seats in the 2006 parliamentary elections will be chosen from party lists." [3e] (p4)

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### THE ORANGE REVOLUTION (22 NOVEMBER TO 1 DECEMBER 2004)

- 4.03 In its Country Profile for Ukraine, last updated on 9 February 2006, the FCO noted:

"Campaigning for the presidential elections started in earnest in August 2004. Reformist former Prime Minister and leader of the 'Our Ukraine' block, Victor Yushchenko, and PM Viktor Yanukovich were the clear front runners in a field of 26 candidates... The OSCE/ODIHR and Council of Europe observer mission concluded that the first round of the elections did not meet European standards for free and fair democratic elections. Despite these handicaps, and an unexplained delay in the announcement of the results, Yushchenko narrowly



beat PM Yanukovych by 39.87% to 39.32%. Socialist leader Moroz, who had come third with 7%, publicly backed Yushchenko for the run-off between the two leading candidates scheduled for 21 November [2004].” [2a]

4.04 The same source noted:

“Although opinion and exit polls showed Yushchenko with a clear lead (7-15%), the results tallied by the Central Election Commission on 22 November [2004] gave Yanukovych a lead of 49.4% to 46.7% over Yushchenko. The OSCE issued a statement the same day saying that the election was not free and fair and the EU’s Foreign Ministers meeting in Brussels issued a statement condemning the standards of the election and agreed to summon Ukraine’s Ambassadors. Large-scale opposition demonstrations began in Kiev and other cities across Ukraine to protest at the result. Despite the widespread condemnation of the elections, on 24 November [2004] the Central Election Commission declared Yanukovych the winner. But the next day the Supreme Court banned the official publication of the results while it heard the opposition’s complaints.” [2a]

4.05 Further to this the FCO also stated:

“Opposition pressure on the government to overturn the fraudulent election result continued to grow, with large-scale demonstrations (reaching over 500,000 people in Kiev), a blockade of government offices, and a vote by parliament on 27 November [2004] to invalidate the election... On 1 December [2004] a political agreement was reached between Yushchenko, Yanukovych and Kuchma at talks facilitated by HR Solana and the Presidents of Poland and Lithuania. This led to a decision on 3 December [2004] by the Supreme Court invalidating the second round of the elections and calling for a re-run on 26 December [2004]. Agreement was reached on 8 December to the re-run of the elections together with a package of constitutional reforms to transfer some of the powers of the President to the parliament. Yushchenko won the re-run election by an eight-point margin over Yanukovych. Erring on the side of caution, the Central Election Commission (CEC) took until 10 January [2005] to compile all the election returns and hear all Yanukovych’s complaints. Yanukovych submitted his final appeal on the Central Election Commission’s decision to the Supreme Court on 14 January [2005]. This was dismissed on 20 January [2005], clearing the way for Yushchenko’s inauguration on 23 January [2005]. This peaceful revolution became known as the ‘Orange Revolution’.” [2a]

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## POST-ORANGE REVOLUTION (FEBRUARY 2005 ONWARDS)

- 4.06 On 4 February 2005, the Rada approved Yushchenko’s choice for Prime Minister, Yulia Tymoshenko. On 8 September 2005, Yushchenko dismissed the entire government, including Prime Minister Tymoshenko. (FCO Country Profile, 9 February 2006) [2a] As reported by the BBC on 8 September 2005, “He [Yushchenko] said in-fighting between members of the team had affected affairs of state. Correspondents say Prime Minister Yulia Tymoshenko and the head of the Security and Defence Council, Petro Poroshenko, were at

loggerheads from the start. Mr Poroshenko quit earlier on Thursday, following allegations of corruption against him and other Yushchenko aides.” [1c]

- 4.07 On 22 September 2005, the Rada approved Yuri Yekhanurov as the new Prime Minister; Yekhanurov was initially rejected and only approved after Yushchenko struck a deal with Yanukovych, the man he defeated in the Presidential elections. (FCO Country Profile 9 February 2006) [2a]

(See also Section 5.07 [Political system](#))

## PARLIAMENTARY ELECTIONS MARCH 2006

- 4.08 The final results of the 26 March 2006 parliamentary elections were released on 10 April 2006. The Central Election Commission recorded the following:

| PARTY                                    | % [OF VALID VOTES] | TOTAL SEATS |
|--|--------------------|-------------|
| The Party of Regions (Viktor Yanukovych) | 32.14              | 186         |
| Bloc of Yulia Tymoshenko                 | 22.29              | 129         |
| Our Ukraine (Viktor Yushchenko)          | 13.95              | 81          |
| Socialist Party                          | 5.96               | 33          |
| Communist Party                          | 3.66               | 21          |

(Radio Free Europe/Radio Liberty, 10 April 2006) [33c]

- 4.09 On the 4 April 2006, Radio Free Europe noted that despite ‘Our Ukraine’s’ third place finish in the elections, the party was still in a position to determine the shape of a new government by joining a coalition with one of the two leading parties. [33d]
- 4.10 Following three months of negotiations, President Viktor Yushchenko’s Our Ukraine party, Yuliya Tymoshenko’s Bloc, and the Socialist Party have signed an agreement to establish a coalition government. Under the deal, Yuliya Tymoshenko is due to be reinstated as prime minister. The newly forged coalition government will hold 243 of the 450 seats in the Verkhovna Rada. (Radio Free Europe/Radio Liberty, 22 June 2006) [33e]
- 4.11 On 27 March 2006, the Organization for Co-operation in Europe (OSCE) stated in their International Election Observation Mission report that:

“The 26 March 2006 parliamentary elections were the fourth since independence in 1991. Previous observation of the 1998 and the 2002 parliamentary elections concluded that those elections overall fell short of international standards. During the 2004 presidential election, the first and second rounds of voting were seriously flawed. The 26 December 2004 repeat second round marked a breakthrough for the conduct of elections in Ukraine. This has been further consolidated during the 26 March [2006] parliamentary elections, underscoring the stated priority of the authorities to meet international commitments.

“The 26 March parliamentary elections were conducted basically in line with OSCE Commitments, Council of Europe commitments and other international standards for democratic elections. Overall, fundamental civil and political rights, such as freedom of expression and assembly, were respected. An



inclusive candidate registration and a vibrant media environment provided for genuine competition and equal conditions. This enabled voters to make informed choices between distinct alternatives and to freely and fairly express their will.” [29b] (p2)

4.12 The OSCE report further noted:

“The overwhelming majority of voters were able to exercise their voting rights with virtually no serious incidents reported. Election day procedures were conducted in a peaceful manner, largely according to the law. Overcrowding and long queues were noted in nine per cent of polling stations visited, with voters having to wait extended periods. Such difficulties mainly occurred as a consequence of the concurrent conduct of legislative and local elections, and the large size of the ballot papers, as well as excessively detailed provisions of the law which restricted possibilities for immediate remedial action in the polling stations. As a result of overcrowding, voting outside of voting booths was noted in 12 per cent of polling stations visited, possibly compromising the secrecy of the vote.” [29b] (p3)

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## 5. State Structures

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### THE CONSTITUTION

5.01 As reported by Europa online (accessed on 26 January 2006), the Constitution was adopted on 28 June 1996 by the Verkhovna Rada (parliament). It entered into force on the same day. [19] (Constitution)

5.02 Article 3 of the Constitution states:

“The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State.” [20]

5.03 As noted by Europa online (accessed on 26 January 2006):

“On 8 December 2004 the Verkhovna Rada provisionally approved several constitutional amendments, including the transfer of certain powers from the President to the Prime Minister and Verkhovna Rada, notably with regard to the appointment of a majority of members of the Cabinet of Ministers. Significant changes were also envisaged to the system of formation and preservation of majorities in the Verkhovna Rada, following the earlier approval, in March, of the introduction of a system of election to that body by proportional representation from 2006. (Notably, the powers of the Prosecutor-General were also to be enhanced.) These amendments were due to enter into force on 1 January 2006, or following legislative elections scheduled to be held in March 2006.” [19] (Constitution)

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### CITIZENSHIP AND NATIONALITY

5.04 Article 4 of the Constitution states “There is single citizenship in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship are determined by law.” (20)

5.05 The Law of Ukraine, *On Citizenship of Ukraine* dated January 2001 states:

“Article 3. Affiliation to the Citizenship of Ukraine

Citizens of Ukraine shall be:

- 1) all citizens of the former USSR, who at the moment of declaration of independence of Ukraine (August 24, 1991), resided permanently on the territory of Ukraine;
- 2) persons, who at the moment the Law of Ukraine *On the citizenship of Ukraine* (November 13, 1991) came into force, resided in Ukraine, regardless of their race, colour of skin, political opinion, religion and other

beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other features, and who were not citizens of other states;

- 3) persons who have arrived in Ukraine for permanent residence since November 13, 1991 and who have a passport of the citizen of the former USSR (type of 1974) where the bodies of internal affairs of Ukraine made the inscription 'the citizen of Ukraine', as well as children of such persons who arrived in Ukraine along with their parents, if at the moment of arrival in Ukraine they did not come of age;
- 4) persons who acquired the citizenship of Ukraine according to the laws of Ukraine and international treaties of Ukraine.

The persons mentioned in clause 1, part one, of this article, are considered as citizens of Ukraine since August 24, 1991, while the persons mentioned in clause 2 are considered as citizens of Ukraine since November 13, 1991, and the persons mentioned in clause 3 are considered as citizens of Ukraine from the moment of making a record concerning the citizenship of Ukraine.” [21]

5.06 This law also states:

“Article 6. Grounds for Acquisition of the Citizenship of Ukraine

The citizenship of Ukraine shall be acquired:

- 1) by birth;
- 2) by territorial origin;
- 3) by admission to the citizenship;
- 4) by restoration of the citizenship;
- 5) by adoption;
- 6) by establishment of guardianship or wardship for a child;
- 7) by establishment of wardship for a person adjudged as incapable;
- 8) owing to situation when one parent is or both parents of a child are citizen(s) of Ukraine;
- 9) by establishment of paternity;
- 10) on other grounds stipulated by international treaties of Ukraine.” [21]

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## POLITICAL SYSTEM

5.07 As reported by the FCO in its Country Profile for Ukraine, updated on 9 February 2006:

“Following constitutional changes agreed in December 2004, which entered [into] force on 1 January 2006, Ukraine is a parliamentary-presidential democracy. The President is Head of State and power over the security structures rests in his Office. The Prime Minister and his Cabinet of Ministers is the senior executive body. With effect from the holding of parliamentary elections in March 2006, the parliament (Supreme Rada) nominates the Prime Minister. The parliament adopts legislation, ratifies international agreements, and approves the budget. Its members are elected to five-year terms. Political

groupings in Ukraine include parties across the right-left spectrum, including liberals, socialists, agrarians, nationalists, various centrist and independent forces, Communists and radical left parties. The Constitution mandates a pluralistic political system and protection of basic human rights and liberties.” [2a]

- 5.08 The Freedom House Freedom in the World 2005 report on Ukraine noted:

“Ukrainian voters are able to change their government democratically, although the bitterly disputed 2004 presidential election did not offer a level playing field in terms of legal protections, media access, and unfettered campaigning opportunities for opposition candidates. The elections were monitored by more than 4,000 foreign observers, the largest international mentoring [sic] effort in history, and 10,000 domestic monitors were deployed by the Committee of Voters of Ukraine. While some monitors faced impediments and hostility, monitors were generally able to collect significant data on election abuses. Despite the falsification of several million ballots and the rigging of the data coming to the computer server of the CEC (Central Election Commission), massive citizen protests offered hope that the attempt at voter fraud would fail and a democratically elected president would emerge from the process...

“Citizens elect the president and delegates to the Verkhovna Rada, the 450-seat unicameral parliament. Under a 2001 election law adopted, half of parliament is elected in proportional voting and half in single-mandate constituencies. The president serves as the head of state and can appoint and dismiss the prime minister, who in turn appoints most other cabinet members in consultation with the president.” [27] (p4)

- 5.09 The 2005 USSD report stated that citizens exercised their right to change their government peacefully through periodic elections in practice during the year [2005] through a small number of by-elections held on the basis of universal suffrage. However, the country's top electoral watchdog NGO noted that these elections frequently were marred by controversy. The report also noted “Individuals and parties could, and did, freely declare their candidacy and stand for election. To be registered as a national level party, political parties must maintain offices in one half of the regions and may not receive financial support from the state or any foreign patron. The Supreme Court reserves the right to ban any political party upon the recommendation of the MOJ [Ministry of Justice] or the prosecutor general. No parties were banned during the year.” [3d] (Section 3)

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## JUDICIARY

- 5.10 As noted by the US State Department's (USSD) Country Report on Human Rights Practices in 2005, dated 8 March 2006:

“The law provides for an independent judiciary, but in practice, the judiciary remained dependent upon, and subject to various forms of pressure from the executive branch. At times the pressure included political interference in the form of phone calls to judges by government officials. However, the head of the Supreme Court emphasized to the press on June 11 [2005] that, in contrast to

the Kuchma era, when he had been called by senior Kuchma administration officials and given instructions on how to rule in specific cases, he had received no such calls under the Yushchenko administration. The judiciary also suffered from corruption and inefficiency.” [3d] (Section 1e)

5.11 The same source continued:

“Except for the Supreme Court, the courts were funded through the Ministry of Justice (MOJ), which controlled the organizational support of the courts. MOJ responsibilities included staffing matters, training for judges, logistics and procurement, and statistical and information support. The judiciary lacked adequate staff and funds, which engendered inefficiency and corruption and increased its dependence on the executive. In March 2004 the ECHR ruled that the country was failing to provide an effective way to secure defendants’ rights to a fair trial in a reasonable length of time. However, the NGO Freedom House reported ‘judicial independence’ improved during the year.

“Failure to enforce court decisions in civil cases also undermined the authority and independence of the judicial system. The State Executive Service is responsible for enforcing most civil decisions, and the number of cases referred to it continued to grow. Existing provisions permitting criminal punishment for noncompliance with court decisions were rarely used. The chairs of the Supreme Court, the regional courts, and of the Kiev Municipal Court (or their deputies) have the authority to suspend court decisions, which provided additional opportunities for outside interference, manipulation, and corruption.” [3d] (Section 1e)

5.12 As reported by the Council of Europe – Parliamentary Assembly (CoE – PACE) in a report entitled, *Honouring of obligations and commitments by Ukraine*, published on 19 September 2005:

“It is impossible to guarantee the independence and viability of the judiciary without proper funding and maintenance. Unfortunately, in Ukraine the courts are still understaffed (there are 1,208 open vacancies), lack premises and equipment, and judges are underpaid... Although the question of a decent remuneration of civil servants is a general problem in Ukraine, special attention should be paid to the remuneration of the judiciary. Therefore, we welcome the Cabinet of Ministers’ decision of 3 September 2005 to triple the judges’ base salary rate starting from 2006. The situation with the judges’ salaries could be improved by fixing the minimum salary rates by law, instead of leaving this discretion to the President and the Government as it is now.” [22] (V. Rule of Law, B. Independence and proper functioning of the judiciary, Financing of the judiciary paragraph 117)

5.13 The same source also noted:

“The legal aid system in Ukraine cannot be recognised as sufficient and complete both in terms of the legislative framework and its practical enforcement. Article 59 of the Ukrainian Constitution guarantees that everyone has the right to legal assistance, which should be provided free of charge in cases envisaged by law. Currently, legal aid is provided only in criminal proceedings according to the Law on the Judicial System and the Criminal Procedure Code. However, the extremely low lawyer’s fee for rendering legal

aid and the delays in payment make it inefficient.” [22] (V. Rule of Law, D Fair trial, Access to a court, paragraph 254)

5.14 Further to this, the same source continued:

“One of the major drawbacks of the current criminal procedure is the possibility for courts to remit criminal cases for additional or new investigation. A number of Criminal Procedure Code provisions entitle courts to send back the case for an additional investigation due to the incompleteness or incorrectness of the pre-trial investigation, empower the appellate or cassation courts to quash the first-instance courts decisions and return cases for additional inquiry or to the prosecutor. Moreover, while remitting the case a court can instruct the inquiry or pre-trial investigation body to carry out specific investigative measures. The law does not limit the number of remittals either. Such legal practice (in 2003 – 18,692 or 7.2% of cases have been remitted) appears to contradict the fair trial principles by hindering access to the judiciary and resulting in an unreasonable length of criminal proceedings and pre-trial detention.” [22] (V. Rule of Law, D Fair trial, Remittal of criminal cases for additional investigation, paragraphs 258-259)

5.15 This report also noted:

“The Assembly is pleased to note that Ukraine has since [2003] made further significant progress:

- 6.1. a new Civil Procedure Code entered into force on 1 September 2005;
- 6.2. a Code of Administrative Justice was adopted in July 2005 and put into effect on 1 September 2005, enabling operation of administrative courts;
- 6.3. all pre-trial detention centres were transferred to the State Department for the Execution of Punishments;
- 6.4. a new code on the execution of sentences was enacted and the number of persons in custody has significantly decreased;
- 6.5. publication of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report was authorised;
- 6.6. a law on public financing of political parties came into effect on 1 January 2005;
- 6.7. a law that reinforced prosecution of torture and the protection of the rights of detained and arrested persons was adopted in January 2005;
- 6.8. the reservation to Article 5 & 3 of the European Convention on Human Rights was withdrawn;
- 6.9. a law strengthening the state service for enforcement of non-criminal judicial decisions was adopted in June 2005;
- 6.10. the draft law on the establishment of the system of public television and radio in Ukraine was adopted in the first reading as well as a new version

of the law on TV and radio broadcasting; a new law on the national council on broadcasting was enacted;

- 6.11. Protocol No. 14 to the European Convention on Human Rights and the recent Convention on the Prevention of Terrorism were signed respectively in November 2004 and May 2005;
- 6.12. the European Agreement relating to persons participating in proceedings of the European Court of Human Rights and the Civil Law Convention on Corruption were ratified respectively in November 2004 and March 2005.”  
[22] (Draft Resolution)

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## LEGAL RIGHTS/DETENTION

- 5.16 As noted by the USSD Report 2005:

“By law, the authorities may detain a suspect for three days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15 day detention. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that officials notify family members immediately concerning an arrest, although human rights NGOs noted that sometimes the police did not do so.

“The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. However, on June 2, Deputy Minister of Justice Inna Yemelyanova noted that in practice this often did not occur, which legal observers said provided the police with critical time to coerce confessions. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy detention under extremely poor conditions. Moreover, attorneys often refused to defend indigents for the low fee the government provided. Member of parliament Mykola Onischuk asserted that access to a defense attorney was essentially dependent on the social status and financial resources of the accused.” [3d] (Section 1d)

- 5.17 The same source also stated:

“Opposition politicians, many associated with the previous regime, accused the Yushchenko administration of continuing the practice of employing trumped up criminal charges to detain persons who were openly critical of the government or challenged the interests of powerful business or political figures close to the government. The government denied the accusations; major human rights organizations, moreover, uniformly concluded that the opposition claims had no merit.” [3d] (Section 1d)

- 5.18 As reported by the Council of Europe – Parliamentary Assembly (CoE – PACE) in a report entitled, *Honouring of obligations and commitments by Ukraine*, published on 19 September 2005:



“The [European] Convention [on Human Rights] entered into force for Ukraine on 11 September 1997. In July 2002, the Court issued its first judgment on the merits in the case of *Sovtransavto Holding* where it found a violation by Ukraine of Article 6 & 1 of the Convention and Article 1 of Protocol No. 1. In this landmark case the Court stated that judicial systems characterised by the supervisory review procedure and, therefore, by the risk of final judgments being set aside repeatedly, were, as such, incompatible with the principle of legal certainty that is one of the fundamental aspects of the rule of law for the purposes of Article 6 & 1 of the Convention. The Court also acknowledged that the Ukrainian authorities acting at the highest level intervened in the court proceedings on a number of occasions and, in view of their content and the manner in which they were made, this was *ipso facto* incompatible with the notion of an ‘independent and impartial tribunal’. [22] (VI. Human Rights, A. Cases against Ukraine before the European Court of Human Rights, paragraph 223)

5.19 The same source also noted:

“According to the Ministry of Interior, there were 31 cases of illegal detention and 74 cases of illegal indictment during 2004. During the first months of 2005, 11 cases of illegal actions by the police have been reported, including five cases of violence. The Prosecutor General’s Office currently investigates 191 criminal cases on allegations of abuse of power by the police. We welcome the significant improvement of the legislative guarantees for the protection of the rights of detained and arrested persons made by the amendments passed in January 2005 and signed into law by President Yushchenko. According to the Explanatory memorandum to the draft law, it intends, *inter alia*, to bring the national legislation in line with international standards.” [22] (VI Human Rights, C. Arbitrary or illegal detention, paragraph 240)

## GRANTING OF BAIL

5.20 As reported by the USSD Report 2005:

“Although the law provides for the imposition of monetary bail, it was rarely used; many defendants could not pay the monetary bail amounts imposed by law. Courts sometimes imposed restrictions on travel outside a given area as an alternative to pretrial confinement. Generally, however, they opted to place individuals in pretrial detention facilities, a practice that human rights observers criticized as costly and contributing to overcrowding.” [3d] (Section 1d)

(See also Section 6.03 [Torture](#))

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## DEATH PENALTY

5.21 As reported by Amnesty International (AI) in their report on Abolitionist and Retentionist Countries, last updated on 4 October 2005, Ukraine does not impose the death penalty for any crime. [7c] As noted by the Italian NGO Hands off Cain (accessed 17 March 2006), which campaigns for an end to the death penalty worldwide, “Ukraine abolished the death penalty in February 2000, with



an overwhelming majority vote of the members of the Ukrainian parliament...In April 2001 Parliament approved a new Criminal Code formally abolishing the death penalty and establishing imprisonment as the maximum form of punishment. The new legislation became effective as from June 1 of the same year.” [23]

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## INTERNAL SECURITY

- 5.22 The SBU (Security Service of Ukraine) is responsible for domestic law enforcement in Ukraine. (Federation of American Scientists, 7 December 2005) [24] The Foreign Intelligence Service (FIS) is principally responsible for counter-intelligence i.e. combating terrorism or organised crime. (USSD Report 2004) [3a] (p1) As reported by the USSD Report 2005, “Police corruption remained a problem.” Also noted by USSD, “...[Police] impunity still remained a serious problem.” [3d] (Section 1d)

- 5.23 As reported by AI in their special report, *Time for Action: Torture and Ill Treatment in Police Detention*, published on 27 September 2005:

“In the Soviet Union the police (known as the Militia) had a ‘rather quiet and relatively peaceful job’. Crime levels were relatively low and police were expected to carry out orders and had little discretionary power. The state exercised control over the population through a vast number of administrative regulations, and it was the police that had the responsibility of enforcing these controls which included internal passports, registration and permits of many kinds.....

“In Ukraine, as in other parts of the former Soviet Union, the police are adapting to working in a democratic rather than an authoritarian political system, but the transition is not yet complete and there are still many similarities with the Soviet system. The various police forces including criminal police, transport police and riot police are under the jurisdiction of the Ministry of Internal Affairs. In each region there is a local department of the Ministry of Internal Affairs, which also runs the ITT [temporary holding facilities]. The Crimea is an autonomous region and there the police forces are under the charge of a deputy of the Minister of Internal Affairs...

“One of the legacies of the Soviet past is the expectation that the police will solve a very high percentage of crimes. Until mid-2003, the police force was set an extremely high target of 80 per cent for solving crimes – this should be compared with a Western European detection rate of 20-40 per cent. Even though this high target has been abolished, the expectation persists that police will solve a high number of crimes, and this is used as a measure of success rather than other factors, such as public perception of the police or crime prevention.” [7b] (The Police)

- 5.24 As reported by Human Rights Watch in their World Report 2006 for Ukraine (covering events in 2005), “In its December 2004 report on Ukraine, the Council of Europe’s Committee for the Prevention of Torture noted that detainees are at high risk of being physically ill-treated at the time of their apprehension and

while in police custody, particularly when being questioned. Those responsible for crimes against detainees are very rarely investigated or prosecuted.” [9a]

- 5.25 AI, in their 2006 report on Ukraine (covering events in 2005), stated “Torture and ill-treatment in police detention continued to be routine.” [7a]

(See also Section 6.03 [Torture](#))

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## PRISON AND PRISON CONDITIONS

- 5.26 As reported by the USSD Report 2005:

“Although prison conditions remained poor, they continued to improve slowly as a result of reforms in the penal system. Prison officials reported that, due in part to the decriminalization of many offenses and the increasing use of alternative sentencing practices, there was a reduction in the number of inmates in prison, which eased overcrowding. Nevertheless, prisons were sometimes overcrowded or lacked adequate sanitation and medical facilities. According to official statistics from the State Penal Department (SPD), there were 708 deaths in prisons and 159 deaths at pretrial detention facilities during the year. Although tuberculosis in prisons continued to be of concern, officials stated that mandatory screening of all new inmates for the disease had reduced infection rates. SPD officials stated that inmates with tuberculosis were isolated from the general population and treated at one main prison hospital complex in Kharkiv Region. Human rights groups noted that only convicted criminals, and not persons in pretrial detention, had access to specialized tuberculosis care.” [3d] (Section 1c)

- 5.27 The same report continued:

“Conditions in pretrial detention facilities were harsher than in low and medium security prisons. There were reports that inmates in pretrial facilities were sometimes held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates....Overcrowding was more common in these centers than in prisons... In contrast to 2004, the government allowed prison visits by human rights observers and granted full access to prisons and pretrial detention facilities. The Ukrainian Red Cross said that, unlike in the past, all of its prison and pretrial detention center access requests were granted. The Red Cross characterized its cooperation with the government as ‘excellent,’ noting, for example, that the government responded to its written inquiries about specific prisoners. Prisoners and detainees were permitted to file complaints with the ombudsman for human rights about the conditions of detention, but human rights groups reported that prisoners were sometimes punished for doing so.” [3d] (Section 1c)

- 5.28 This report also noted:

“In May [2005] the parliament passed an amnesty for 17 thousand prisoners that the president had proposed. The amnesty covered prisoners who were minors when they committed their crimes, parents with small children or

children with disabilities. Also included were pregnant women, women over the age of 50, men over the age of 55, war veterans, persons with serious disabilities, prisoners with active tuberculosis, prisoners with cancer, and those infected with HIV/AIDS. On September 22 [2005], the president proposed a blanket amnesty to individuals who violated electoral fraud laws during the 2004 presidential elections. The amnesty proposal was part of a broader political compromise with the supporters of opposition leader Yanukovich. The Committee of Voters of Ukraine (CVU), the country's top electoral watchdog organization, criticized the proposal, but observers noted that 2006 is the earliest that lawmakers could consider such an amnesty." [3d] (Section 1d)

- 5.29 The previous year's report (2004) noted "Men and women were held in separate facilities, and juveniles were held separately from adults. Additionally, pretrial detainees were always held separately from convicted prisoners. The law does not recognize political prisoners as a separate category of detainee." [3a] (Section 1c)
- 5.30 As reported by Human Rights Watch in their World Report 2006 for Ukraine (covering events in 2005), "In its December 2004 report on Ukraine, the Council of Europe's Committee for the Prevention of Torture noted that detainees are at high risk of being physically ill-treated at the time of their apprehension and while in police custody, particularly when being questioned. Those responsible for crimes against detainees are very rarely investigated or prosecuted." [9a]

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## PRE-TRIAL DETENTION

### Temporary Holding Facilities (ITTs)

- 5.31 As reported by AI in their special report, *Time for Action: Torture and Ill Treatment in Police Detention*, published on 27 September 2005:

"Under the Code on Administrative Offences Detentions, detainees may be held up to three hours at a police station. If after three hours the police consider that they have enough information to start a criminal investigation, the suspect is then detained, and transferred to an ITT, where they can be held up to 72 hours. In the whole of Ukraine, 7,000 people are held in ITTs at any one time. If the police do not have enough information to start a criminal investigation it is quite common for them to fabricate an administrative charge so as to gain more time." [7b] (Police Custody)

- 5.32 This report also noted:

"Most of the buildings that house ITTs date from the nineteenth century or earlier, and are not equipped with adequate sanitary facilities, ventilation or exercise yards. The government has recently started a programme of renovation and reconstruction. According to Nina Karpacheva, the Parliamentary Ombudsperson, by February 2005, 139 out of the 500 ITTs had been renovated and four completely new ITTs had been built in Kharkiv, Dnipropetrovsk, Kirovohrad, Kyiv and Mariupul.

“An Amnesty International delegation visited an ITT in Lviv City Police Headquarters in June 2004. The cell shown to the delegation was empty, but it was easy to imagine how unbearable the conditions could be when overcrowded. The cell was approximately three metres by three metres, and the delegation was informed that it accommodated up to four detainees. The window was covered with metal sheeting shutting out most of the natural light, and there was one low wattage bulb. The window was sealed, and although there was a ventilation pipe, from the stench in the cell even when empty, it was clear that when there are four people in the cell the ventilation would not work very well. There was one large wooden platform on which mattresses could be placed, and we were shown a cupboard which contained dirty looking mattresses and sheets. There was a toilet without any screens around it and a tap over the toilet. Until very recently there was no budget for feeding detainees in ITTs, but Nina Karpacheva informed an Amnesty International delegation in June 2004, that a budget had recently been provided. In this ITT the Amnesty International delegation were shown a menu list, which suggested that the detainees were provided with three basic meals a day.” [7b] (7.2 Conditions in pre-trial detention - ITTs)

- 5.33 As reported by the Council of Europe – Parliamentary Assembly (CoE – PACE) in a report entitled, *Honouring of obligations and commitments by Ukraine*, published on 19 September 2005 “Police brutality and ill-treatment of persons in custody remains a serious problem.” [22] (VI Human Rights, B.Torture and inhuman or degrading treatment, paragraph 233)

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### Investigation Isolation Wards (SIZO)

- 5.34 As reported by AI in their special report, *Time for Action: Torture and Ill Treatment in Police Detention*, published on 27 September 2005:

“In a survey of ill-treatment and conditions of detention in ITTs and SIZOs, the Kharkiv Institute of Social Research interviewed 200 people who had been detained in SIZOs and ITTs throughout Ukraine. The highest percentage complained about lack of light and inadequate ventilation (54 per cent and 53.1 per cent), inability to take a shower and lack of adequate food were the next most common complaints (52 per cent and 50.8 per cent), 47.2 per cent complained that there were no sheets or bedding, 26.7 per cent complained that there were never enough sleeping places and 9.2 per cent complained that they were held with other detainees who had infectious diseases. Poor conditions are exacerbated by overcrowding. The CPT reported after their 2002 visit that four people were held for up to 72 hours in a cell in Kyivskii district police station in Odessa in a cell measuring 5.8m<sup>2</sup>, and that between 16 and 32 persons were held in three similarly-sized cells...”

“According to the World Health Organization, Ukraine has an estimated tuberculosis (TB) case rate of 95 cases per year per 100,000 people which is the eighth highest in Europe and Eurasia. In a country with a very high rate of TB, overcrowding and poor conditions in pre-trial detention have led to a high rate of infection. In a letter to the Sevastopol Human Rights Group, a legal advisor in the Public Prosecutor’s office wrote: ‘the problem of TB in ITTs is a particularly burning question and there are currently 34 people with TB in the

ITT in Sevastopol.’ It seems unlikely that in the overcrowded conditions of the ITTs those with TB can be kept in strictly isolated conditions.” [7b] (7.2 Conditions in pre-trial detention - ITTs)

- 5.35 As reported by the Council of Europe – Parliamentary Assembly (CoE – PACE) in a report entitled, *Honouring of obligations and commitments by Ukraine*, published on 19 September 2005, “We are disturbed by information, according to which by virtue of regulations adopted by the State Department for the Execution of Sentences, persons suffering from infectious diseases (including tuberculosis) cannot be transferred to the investigation isolation wards (SIZOs) from the temporary holding facilities (ITT) under the competence of the Ministry of Interior. According to media reports, 739 arrested people were not admitted to SIZOs during 2004.” [22] (VI Human Rights, B. Torture and inhuman or degrading treatment, paragraph 235)

(See also Section 6.03 [Torture](#))

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## MILITARY SERVICE

- 5.36 According to the CIA World Factbook, last updated on 10 January 2006, the age for military conscription is 18 to 27 (male) and the length of service is 18 months for the army and air force and 24 months for the navy. [4] (p11) According to the NGO War Resister’s International (WRI) in their 2005 report on Ukraine the age for military conscription is 18 to 25. As noted by the same source, “The Ministry of Defence has announced that the length of service will be reduced to 12 months in 2005.” [11]
- 5.37 A letter on military service in Ukraine, dated 10 May 2006, from the Ministry of Defence (MOD), confirmed that the lower age limit for military conscription was 18 although they were unable to confirm the upper age limit. The letter noted “[that] the upper limit is probably in the bracket of 25 to 27 years and may vary depending on deferments (ie allowances for the delay of military service until a later date/age, due to other activities/circumstances for an individual).” [36]
- 5.38 The same source noted “The length of military service for the army is 12 months. It was reduced from 18 to 12 months in spring 2005. This has now been implemented, so (for example) those drafted in October/November 2004 finished their service in October/November 2005. The length for the Air Force is 12 months, as for the Army. The length of service for the Navy is 18 months; this was reduced from a period of 24 months.” [36]

(See also Section 6.101 [Child Soldiers](#))

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## CONSCIENTIOUS OBJECTORS AND DESERTERS

- 5.39 As reported by the NGO War Resister’s International (WRI) in their 2005 report on Ukraine:

“The right to conscientious objection is enshrined in Article 35.3 of the 1996 Constitution, according to which: ‘If performance of military service is contrary to the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) duty’. Further regulations on conscientious objection are laid down in the 1999 Law on Alternative Civilian Service. The Law replaced the previous 1992 law.

“The right to conscientious objection only applies to members of officially registered religious denominations who forbid their members to bear arms... The respective religious organisations are listed in the ‘List of religious organisations, whose doctrine prohibits using weapons’ (Resolution 2066/1999), which replaced a previous list of 1992 (Government Decree 360/1992). The list includes Seventh Day Adventists, Baptists, Adventists-Reformists, Jehovah’s Witnesses and the Charismatic Christian Church.

“Applications must be made to the alternative service committee at the regional office of the Ministry of Labour & Social Policy. The committee consists of representatives of different government structures, including the armed forces and the committee for religious affairs. Applications must include a document signed by a religious minister of a denomination that is included in the government list of 1999. The committee checks the authenticity of the documents and may ask for additional information. Usually, no personal interview takes place.” [11]

- 5.40 As reported by the same source “Draft evasion is punishable under Article 72 of the Criminal Code with one to three years’ imprisonment. Draft evasion is widespread in the Ukraine. According to the Ukrainian Ministry of Defence in April 2004, between 1996 and 2004 48,624 cases of draft evaders aged 18 to 25 had been sent for prosecution to the Ministry of Justice. It is not know [sic] how many draft evaders have been prosecuted by the Ministry of Justice.” [11]

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## ALTERNATIVE MILITARY SERVICE

- 5.41 The Religious Information Service of Ukraine (RISU) noted on 27 March 2006 that:

“A decree of Ukraine’s Cabinet of Ministers regarding draftees who cannot serve in the army because of religious convictions has come into effect. Now, instead of 27 months, the young men will serve only 18, and those who have higher education will serve 15.5 months. Ukraine’s Parliament shortened the military service term last year, while the term of alternative service was just changed at the initiative of the Ministry of Work and Social Policy...A special committee, not the military registration and enlistment office, calls up draftees for alternative service. In order to go on alternative service, it is necessary to have a document from a religious organization certifying the young man’s membership in this organization. Young men will be assigned by the Center of Social Care, as they will serve, mostly, at charity organizations. Last year over 1,500 draftees were registered for the alternative service. The new norms will



be applied even to those who are in the army now. If a young man joined the army 18 months ago, he should be dismissed immediately.” [28]

5.42 As reported by WRI in their 2005 report:

“[that] Substitute service is administered by the Ministry of Labour & Social Policy. It can be performed in government institutions, such as health care, social welfare and municipal projects. Substitute service may not be performed with non-governmental organisations, with the exception of the Ukrainian Red Cross...Working conditions may be harsh and payment is low. According to the secretary of the alternative service committee, this is done deliberately...In 2002, 2,864 COs were performing substitute service. All of them were members of a religious organisation that is included [sic] in the government list of Resolution 2066/1999... there is one known case of a conscript who openly declared himself as a CO for secular pacifist reasons. In 2000, Andriy Tvardijevych did not respond to his call-up order. When he found out that he would be prosecuted, he told the prosecutor he refused military service for secular pacifist reasons. In July 2000, he was fined 530 Hrivnas and sentenced to one year’s provisional imprisonment under Article 72 of the Criminal Code for evading military service.” [11]

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## HAZING OF RECRUITS

5.43 As reported by the USSD Report 2005:

“Despite extensive legislation to protect the rights of service members and the existence of regulations governing relationships among military personnel, reports continued during the year of violence against conscripts in the armed forces. Although military officials reported there were no deaths due to soldier-on-soldier physical violence, the Association of Soldiers’ Mothers (ASM) reported that violent hazing continued to be widespread and asserted that a Kiev-based soldier from Zhytomyr Region was beaten to death in a January hazing incident. Senior conscripts frequently beat recruits and forced them to give up money and gifts they received from home, a practice known as ‘dedovshchina.’ According to the ASM, garrison prosecutors often did not investigate complaints of hazing, accepted bribes not to press charges against the perpetrators of such violence, or delayed the start of trial proceedings until potential witnesses were discharged from the military.” [3d] (Section 1c)

5.44 The Ministry of Defence wrote in a letter to the Home Office dated 10 May 2006 “The term ‘garrison prosecutors’ is understood to refer to military officers responsible for investigating military disciplinary incidents. They would be based in each military garrison, probably within a garrison headquarters staff building which could be collocated in the same barracks where a given disciplinary incident took place, or could be in an adjacent barracks.” [36]

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## MEDICAL SERVICES

- 5.45 According to the World Health Organization (WHO) in their country profile for Ukraine – available via their website, health expenditure as a percentage of GDP was 4.7 in 2002. The same source also noted that life expectancy was 62 for men and 73 for women. [6a]
- 5.46 As reported by Europa World in their country profile for Ukraine (accessed 20 March 2006), there are 2.97 physicians per 1000 people (figures for 2002). [19] (Health and Welfare)

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## HIV/AIDS

- 5.47 Reporting in April 2005 on Ukraine's HIV/AIDS prevalence and treatment needs, the World Health Organization noted that as many as 416,000, or 1.7 per cent of adults aged 15 to 49, were estimated to be living with HIV/AIDS in 2005. [6c] As reported by the International HIV/AIDS Alliance in its country profile for Ukraine (accessed 20 March 2006), "Injecting drug use remains the primary source of HIV transmission – 72% of reported cases among adults. But there are now increasing numbers of cases among the heterosexual partners of injecting drug users and among children." [13]
- 5.48 In a March 2006 report on HIV/AIDs, Human Rights Watch (HRW) stated that:
- "As of July 2005, there were twenty-five regional HIV/AIDS centers throughout Ukraine; HIV/AIDS centers in the cities of Kyiv and Sevastopol; and an additional five city HIV/AIDS centers in areas with high rates of HIV/AIDS. Antiretroviral therapy was available at fifteen of the regional centers, while people living with HIV/AIDS outside of those regions have the option to seek antiretroviral therapy at the Gromashevskiy National Institute of Infectious Diseases Clinic (Lavra AIDS Clinic) in Kyiv." [9c] (p23)

## AVAILABILITY OF ANTI-RETROVIRAL THERAPY

- 5.49 As documented by the UNAIDS website (accessed 20 March 2006), "By the end of 2004, the Global Fund project had enabled the scale-up of antiretroviral treatment to over 1400 people living with HIV in Ukraine, still only a fraction of those estimated to be in need of treatment. Other key initiatives are being supported by USAID, the European Union and other donors; they are largely limited to prevention, capacity-building of civil society organizations and initiatives that focus on areas most heavily affected by HIV and AIDS." [25]
- 5.50 The HRW March 2006 report noted that between April 2004 and 1 December 2005, more than 2,600 people had begun anti-retroviral treatment under the Global Fund program. [9c] (p5)

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## PSYCHIATRIC TREATMENT

5.51 As reported by the WHO Project Atlas (a project of the Department of Mental Health and Substance Dependence, WHO, Geneva) in their Country Profile for Ukraine, available via their website, a mental health policy is present and was initially formulated in 1988. The components of the policy are prevention, treatment and rehabilitation. However, a national mental health programme is absent, although there is a Law on Psychiatric Care. [6b]

5.52 The WHO Project Atlas noted:

“Mental health is a part of primary health care system. Actual treatment of severe mental disorders is not available at primary level. . . Regular training of primary care professionals is not carried out in the field of mental health. There are no community care facilities for patients with mental disorders. There are some polyclinics which take care of ambulant psychiatric patients, but no other psychiatric institution exists...

NGOs are involved with mental health in the country. They are mainly involved in advocacy, promotion, prevention, treatment and rehabilitation. The positive experience of interactions between state psychiatric services, non-governmental professional organizations and organizations of relatives and users has been an important factor. As a result of these projects, the approach of multidisciplinary teamwork and case management have been introduced into practice of some facilities at Kiev, Zhitomir and Donetsk.” [6b]

5.53 As noted by the 2005 USSD report:

“The law prohibits the abuse of psychiatry for political and other non-medical reasons and provides safeguards against such abuse, but on a few occasions, according to human rights groups, persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The confinement often resulted from the corruption of psychiatric experts and court officials. For example, the media reported on August 31 that local prosecutors in Kharkiv had opened a criminal case against an unspecified number of doctors at the city’s main psychiatric hospital for accepting a \$1,500 (UAH 7,500) bribe to prepare an official certificate falsely stating that a patient was mentally ill. The false certificate was prepared at the request of the patient’s mother.

“Persons diagnosed with mental illness risked being confined and treated by force, declared not responsible for their actions, and stripped of their civil rights and property without being present at the hearings or notified of the ruling. According to the director of a human rights organization that closely monitors the rights of the mentally ill, prominent Soviet-era dissident Seymon Gluzman, there were fewer cases of such abuse during the year than in 2004. In an October 7 [2005] interview with the national newspaper *Den*, Gluzman attributed the decline in abuse to increased press reporting on the subject and to better protection of the mentally ill by the country’s legal community. According to the Ukrainian Psychiatric Association, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry.” [3d] (Section 1c)

- 5.54 The WHO Project Atlas stated that “The following drugs are generally available at the primary health care level of the country: carbamazepine, ethosuximide, Phenobarbital, phenytoin sodium, sodium valporate, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, lithium, levodopa. In place of biperiden other anti-parkinsonian drugs are used.” [6b]

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## EDUCATION SYSTEM

- 5.55 As reported by Europa, “Education is officially compulsory between seven and 15 years of age. Primary education begins at seven years of age and lasts for four years. Secondary education, beginning at 11, lasts for a maximum of seven years, comprising a first cycle of five years and a second of two years. In 1998/99 72% of children in the relevant age-group were enrolled in primary education. In 1993 enrolment in secondary education was 91%. In 2002/03 there were 2,269,800 students enrolled in higher education. Combined enrolment at the primary, secondary and tertiary levels was some 78% in 1998.” [19] (Education)

- 5.56 The 2005 USSD report on International Religious Freedom noted:

“Officially, religion must be kept out of the public school curriculum. However, President Yushchenko, with the support of the country’s four top Christian clergymen, announced on June 29 [2005] that he would instruct the Ministry of Education to introduce training in ‘the ethics of faith’ into public schools beginning September 1, 2005. While Jewish leaders support the teaching of ethics and civics in school, they have insisted on a nonsectarian approach to this training – an approach that President Yushchenko has said he shares. Schools run by religious communities may, and do, include religious education as an extracurricular activity.” [3b] (Section II)

(See also Section 6.16 [Freedom of Religion](#))

## HIGHER EDUCATION

- 5.57 As reported by Europa, there are 1,007 institutes of higher education in Ukraine. [19] (Education – country statistics)

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## 6. Human Rights

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### 6.A. HUMAN RIGHTS ISSUES

#### GENERAL

6.01 The 2005 USSD Country Report noted that “While the government’s human rights performance significantly improved in important areas, most notably in freedom of expression and freedom of assembly, in a number of respects it remained poor. The following human rights problems were reported:

- three deaths in custody under suspicious circumstances
- torture in pretrial detention facilities
- violent hazing of conscripts
- wrongful confinement in psychiatric hospitals
- harsh conditions in the penal system and pretrial detention facilities
- arbitrary detention, lengthy pretrial detention, and long trial delays
- government monitoring of private communications and movements of individuals without judicial oversight
- limitations on press freedom through use by government employees and private individuals of punitive libel laws and intimidation of investigative journalists
- continuing registration difficulties for a few religious communities and property restitution difficulties for many others
- anti-Semitic acts
- abuse of refugees at detention facilities
- serious corruption in all branches of government and the military services
- violence and discrimination against children and women, including sexual harassment in the workplace
- trafficking in persons
- frequent harassment of minorities, including vigilante violence used against Tatars in Crimea
- inadequate labor legislation that permitted both government and companies to restrict legitimate labor activity
- government efforts to influence trade union elections. [3d]

6.02 The same source reported:

“There were notable improvements following the Orange Revolution. There was increased accountability by police officers, and prison conditions continued gradually to improve. The mass media made significant gains in independence. Interference with freedom of assembly largely ceased, and most limitations on freedom of association were lifted. The government moved to reduce its role in the sphere of religion. A wide variety of domestic and international human rights groups generally operated without government harassment. The government also increased its investigation and prosecution of suspected humantraffickers.” [3d] (p1)

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## TORTURE

- 6.03 As reported by the Council of Europe – Parliamentary Assembly (CoE – PACE) in a report entitled, *Honouring of obligations and commitments by Ukraine*, published on 19 September 2005:

“Police brutality and ill-treatment of persons in custody remains a serious problem. The Ombudswoman Mrs Nina Karpachova told the media in 2004 that during her nearly 7 years tenure she had received approximately 12,000 complaints from persons who alleged that they had been tortured in police custody. She also said that during the last years the number of illegal arrests and torture by the police had not decreased at all. According to the President of the Supreme Court of Ukraine Mr Malyarenko, in every third case of grave and especially grave crimes the accused are complaining of illegal investigation methods. Between July 2003 – July 2004, 436 reports of alleged cases of torture were gathered by several human rights NGOs, including the Kharkiv Human Rights Protection Group and its regional partners, which provided legal and financial support to victims of torture. During our visits in the regions we received also numerous complaints on alleged ill-treatment by the police or during detention on remand.” [22] (VI Human Rights, C. Torture and inhuman or degrading treatment, paragraph 233)

- 6.04 As reported by Human Rights Watch in their *World Report 2006 for Ukraine* (covering events in 2005):

“The national human rights ombudsman has campaigned vocally to end the practice of torture and ill-treatment in Ukrainian police detention facilities and prisons, but the problem persists. In its December 2004 report on Ukraine, the Council of Europe’s Committee for the Prevention of Torture noted that detainees are at high risk of being physically ill-treated at the time of their apprehension and while in police custody, particularly when being questioned. Those responsible for crimes against detainees are very rarely investigated or prosecuted... Police and border guards regularly detain undocumented migrants, including asylum-seekers, in appalling conditions in border guard and police detention facilities, often for many months. Migrants rarely have access to interpreters or legal counsel and are unable to challenge their detention.” [9a]

- 6.05 AI noted in their special report, *Time for Action: Torture and Ill Treatment in Police Detention*, published on 27 September 2005:

“There is no comprehensive official information to give a clear picture of the extent of torture and ill-treatment in police custody in Ukraine. Part of the reason for this is the fact that the article referring to torture in the Criminal Code, that was adopted in 2001, was not in line with the definition of torture in the Convention against Torture and did not mention law enforcement officers, including police, as possible perpetrators. Inadequate legislation was compounded by a culture of impunity which meant that police officers were prosecuted under other articles such as Article 365 – ‘Excess of authority or official powers’, making it impossible to extract statistics for the number of police officers convicted for torture or ill-treatment. However, despite the absence of figures for convictions there is ample evidence that the practice of torture and ill-treatment remains widespread.

“In her latest report on human rights violations in Ukraine, issued on 6 July 2005, the parliamentary ombudsperson, Nina Karpacheva, stated that torture and ill-treatment in police detention was widespread. Her office received 1,518 complaints about torture and ill-treatment at the hands of the police in 2003 while, according to her report, the Ministry of Internal Affairs received 32,296 complaints about police ill-treatment in 2002 and 2003.

“The Kharkiv Human Rights Group is carrying out a comprehensive project to monitor torture and ill-treatment throughout Ukraine from July 2003 to June 2006, and during 2004 the group and its regional partners received approximately 200 complaints of torture and ill-treatment. They also wrote to the Ministry of Internal Affairs and its regional departments to ask for information about complaints against law enforcement officers for torture and ill-treatment in 2001, 2002 and the first half of 2003, and they received information that in the Lugansk district there had been on average 1,800 complaints per year, in Donetsk 1,300.

“According to a study carried out by the Kharkiv Institute for Social Research, 62.4 per cent of those interviewed who had been in police detention were subjected to ill-treatment on arrest: 44.6 per cent were subjected to having their arms, legs or necks twisted; 32.8 per cent were punched or kicked; and 3.8 per cent claimed to have been subjected to torture and ill-treatment using special equipment.” [7b] (4. The extent of torture and ill-treatment in Ukraine)

6.06 The 2005 USSD Country Report on Ukraine noted:

“During the year authorities stepped up efforts to prosecute police officers who abused persons in detention. According to the media and Minister of Internal Affairs Yuriy Lutsenko, as of September 1 [2005], the PGO had opened 496 criminal cases against police officers for detention-related abuses, compared to 209 such cases opened during all of 2004. One human rights NGO official reported that, as a consequence of greater scrutiny of police behavior, police engaging in mistreatment of detainees increasingly used masks or hoods to avoid identification.” [3d] (Section 1c)

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## EXTRAJUDICIAL KILLINGS

6.07 The 2005 USSD Ukraine Country Report noted:

“There were no reports that the government or its agents committed politically motivated killings, but the media reported that the police beat to death at least three individuals while they were in custody.

“On April 7 [2005], police officers in Zhytomyr beat to death an unidentified 36-year-old man while he was detained on charges of petty hooliganism. The media reported on July 23 that the Zhytomyr regional prosecutor opened a criminal case against an unspecified number of police officers for ‘deliberately inflicting injury on a person’ and ‘exceeding authority.’

“On September 26, the newspaper *Kievskiy Vidomosti* reported that police in Kherson beat to death a suspected thief; the newspaper noted that a police officer involved in the incident had been detained.

“According to media reports and a major human rights group, 21 year-old Armen Melkonyan was beaten to death by police in a Kharkiv pretrial detention center on December 17 [2005]. According to media reports, the detention center director, Serhiy Tkachenko, attempted to cover-up the incident. Senior Kharkiv Region officials told members of the Kharkiv human rights non-governmental organization (NGO) community that an autopsy confirmed that Melkonyan’s death was the result of physical violence, despite Tkachenko’s claim that Melkonyan died of natural causes. The cause of death was ‘asphyxia and blockage of respiratory tract due to vomiting’; the results also showed that Melkonyan had suffered a serious head injury. In response to criticism from the press, the human rights community, and Melkonyan’s family, the prosecutor’s office opened a criminal investigation on December 23 [2005].” [3d] (Section 1a)

(See also Section 5.31 [Pre-trial detention](#))

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## DISAPPEARANCES

- 6.08 The USSD 2005 report noted that “There were no reports of politically motivated disappearances. There were no developments in the 2003 disappearance of Vasyl Hrysyuk, a reporter for the newspaper *Narodna Sprava* in the Lviv Region town of Radekhiv. There were no indications that the authorities were actively pursuing this case.” [3d] (Section 1b)

## FREEDOM OF SPEECH AND THE MEDIA

- 6.09 The law provides for free speech and a free press and the government generally respected these provisions. (USSD Report 2005). [3d Section 2] As reported by Human Rights Watch in their country summary for Ukraine, published in January 2006:

“Under the Yushchenko government, state manipulation of television and other media rampant in previous years appears to have ceased, although major television and radio stations remain under the control of either the state or a few wealthy business owners, rendering media outlets vulnerable to political pressures. Attempts to pass legislation that would establish independent public television and radio outlets have failed despite the new government’s stated support for reform of the media sector. [9a]

- 6.10 Reporters without Borders Worldwide Press Freedom Index of 2005 noted that Ukraine was placed 112 out of the 167-country list, up from 138 in 2004. [10b]
- 6.11 The 2005 USSD report noted that:

“Many newspapers were financed by wealthy investors and reflected the political and economic interests of their owners. In contrast to 2004, these



publications frequently criticized the government. However, their strong financial backing gave them an advantage over smaller, more independent, newspapers. Foreign newspapers and periodicals circulated freely.” [3d] (Section 2a)

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## JOURNALISTS

6.12 The USSD 2005 report noted that:

“According to the national media watchdog NGO Institute for Mass Information (IMI), at least 15 journalists were subjected to physical attacks or intimidation during the year that were likely related to their professional activities. For example, the media reported that, on April 16 [2005], in Zakarpattya Region, three unnamed men beat up the editor of the newspaper *Stary Zamok*, Ivan Berets. He was hospitalized with a leg injury. Berets claimed the attack was politically motivated, noting that one of his alleged assailants was the son of a former Kuchma-era official in Tyachiv who was criticized by the newspaper.

“In several cases the perpetrators appeared to be police or criminals acting on behalf of local officials. Human rights organizations expressed concern about a July 12 [2005] attack by police in Kherson on photographer Maxim Soloviev and reporter Natalia Kozarenko of the weekly *Vhoru*. Police roughed up the pair and seized Soloviev’s camera while they were covering a dispute between local officials and the owners of a shop in the city center.” [3d] (Section 2a)

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## INVESTIGATION INTO THE DEATH OF GEORGIY GONGADZE

6.13 The Committee to Protect Journalists Attacks on the Press in 2005 report noted:

“Yushchenko’s election reignited the long-stalled probe into the September 2000 abduction and murder of *Ukrainska Pravda* editor Gongadze. Investigators detained two police officers on March 1 [2005]. Former Interior Minister Yuri Kravchenko was found dead three days later—his death termed a suicide—just hours before he was to be interviewed under oath by investigators. On audiotapes made secretly by a former presidential bodyguard, Kuchma is allegedly heard to instruct Kravchenko to ‘drive out’ Gongadze and ‘give him to the Chechens,’ according to transcripts obtained by news agencies. Also in March, the Interior Ministry acknowledged that its officers had conducted surveillance of Gongadze shortly before he was abducted.

“On August 1 [2005], the prosecutor general’s office announced that it had completed the first phase of its investigation and had identified four suspects in Gongadze’s slaying: police officers Nikolai Protasov, Aleksander Popovych, and Valery Kostenko; and Gen. Aleksandr Pukach, former head of the Interior Ministry’s criminal investigation department. The officers faced trial in late year, while Pukach was being sought on an arrest warrant. Prosecutor General

Svyatoslav Piskun said authorities would continue to seek others believed to be responsible for ordering the murder.” [8]

- 6.14 Giving daily reports on the Gongadze trial, Reporters without Borders noted on 10 February 2006:

“Two of the three accused pleaded guilty to all the charges against them, while the third pleaded guilty to some. ‘This is an important step’ Shilov told the daily paper *Sevodnia*, ‘because the accused sometimes claim at this stage they are innocent and have been manipulated. This did not happen here because the investigation was done properly and the evidence is solid.’ He did not say who pleaded partly guilty because the law forbids it until the verdict is handed down.

“*Sevodnia* said Mykola Protassov and Valery Kostenko pleaded entirely guilty while Alexander Popovich pleaded partly guilty, saying he had not been directly involved in the murder and had simply driven the car in which Gongadze was kidnapped and taken to where he was killed.” [10a]

- 6.15 On 16 February 2006, Reporters without Borders noted “[the] Appeals court needs time to look at documents and adjourns trial again. The trial was adjourned indefinitely after the Kiev appeal court said it needed time to examine various documents to see if they should be classified as state secrets. Its ruling will decide whether the trial will be open to the public.” On 17 February 2006, the report noted “Interior minister Lutsenko said he was not opposed to the trial being public, in view of how interested in it Ukrainians had become.” [10a]

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## FREEDOM OF RELIGION

- 6.16 The 2005 USSD International Religious Freedom Report on Ukraine stated “The 1996 Constitution and the 1991 law on Freedom of Conscience provide for freedom of religion, and the Government generally respects this right in practice; however, there were isolated problems at the local level, at times as a result of local officials taking sides in conflicts between religious organizations.” [3b] In their Human Rights Overview of Ukraine published in January 2006, HRW reported “Numerous anti-Semitic attacks were reported in 2005...” [9a] Neither AI or HRW mentioned any problems with religious freedom in their latest reports; both classified anti-Semitic incidents as racist attacks. (AI Report 2006) [7a] (HRW Report 2006) [9a]

**(See also Section 6.41 [Judaism](#))**

- 6.17 The USSD Religious Freedom Report also noted “[that] As of January 1, 2005, there were 29,699 registered religious organizations, including 28,481 registered religious communities; the Government estimated that there were approximately 1,106 unregistered religious communities. More than 90 percent of religiously active citizens are Christians, with the majority being Orthodox. Religious practice is generally strongest in the western part of the country.” [3b]



- 6.18 Based on information from the “respected” national newspaper *Den*, the USSD International Religious Freedom Report 2005 gave a breakdown of religious observance in Ukraine:
- 50.44 percent Ukrainian Orthodox Church (UOC)-Kiev Patriarchate;
  - 26.13 percent UOC-Moscow Patriarchate;
  - 8.02 percent Ukrainian Greek Catholic Church (sometimes referred to as the Uniate, Byzantine, or Eastern Rite Church);
  - 7.21 percent Ukrainian Autocephalous Orthodox Church;
  - 2.19 percent Roman Catholic Church;
  - 2.19 percent Protestants;
  - 0.63 percent Jewish religious practices;
  - 3.2 percent ‘other denominations. [3b]
- 6.19 The same report stated that “There were no reports of religious prisoners or detainees...There were no reports of forced religious conversions... There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.” [3b] (Section II)

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## REGISTRATION OF RELIGIOUS ORGANISATIONS

- 6.20 The 2005 USSD Country Report on Human Rights Practices stated:

“The law requires that to obtain the status of a ‘juridical entity,’ a religious organization must register its ‘articles and statutes’ either as a local or national organization. To be registered it must have at least 10 adult members. Registration is necessary for many everyday business activities, including publishing, banking, and property transactions. Registration is also necessary to be considered for restitution of communal religious property. By law, the registration process should take one month, or three months if the government requests an expert opinion on the legitimacy of a group applying for registration. Denial of registration may be appealed in court. A few religious groups, most notably Muslims, indicated that they continued to encounter long delays in obtaining registration, and in some cases they were tantamount to denials. For example, the Kharkiv Region government has refused to register a Muslim community for the past 11 years.” [3d] (Section 2c)

**(See also section 6.42 [Muslims](#))**

- 6.21 The same source noted that “The registration process underwent significant change during the year, sparked by the Orange Revolution and the election of President Yushchenko. In the past, the Soviet-legacy State Committee for Religious Affairs (SCRA) was the government entity responsible for registering religious organizations and, more broadly, for implementing state policy on religion.” [3d] (Section 2c)
- 6.22 The 2005 USSD report continued:
- “President Yushchenko abolished the SCRA by presidential decree on April 22 [2005], transferring its functions to the MOJ [Ministry of Justice] and the

Presidential Secretariat. The move was cautiously welcomed by representatives of many major religious organizations, NGOs, and think tanks, who generally viewed the SCRA as an antiquated, corrupt, Soviet-style organization. However a few major religious organizations criticized the move, noting that the SCRA, while flawed, played a valuable role as the religious community's voice in the government, helping to mediate disputes, for example, between religious organizations and various government agencies.

"Major religious organizations expressed concern about the opaque way in which the SCRA was abolished and how its duties might eventually be divided between the MOJ and Presidential Secretariat. They also expressed concern that the process proceeded without their input. The process of transferring the SCRA's functions to the MOJ and the Presidential Secretariat has moved slowly. As of year's end, the SCRA generally continued to perform its registration function, but no longer played a mediation role. The significantly weakened organization was renamed the 'State Department for Religious Issues' and formally subordinated to the MOJ." [3d] (Section 2c)

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## ORTHODOX CHRISTIANS

### THE UKRAINIAN ORTHODOX CHURCH-MOSCOW PATRIARCHATE

6.23 The 2005 USSD Religious Freedom Report noted "The Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP) has 36 eparchies and 10,566 communities, most of which are located in the central, southern, and eastern parts of the country. Metropolitan Volodymyr (Sabodan) of Kiev heads the Church within the country. The UOC-MP, which has 8,936 clergy members, refers to itself as The Ukrainian Orthodox Church. [3b] (Section I)

6.24 The Religious Freedom Report stated:

"Senior leaders of the UOC-MP complained that, in the wake of the Orange Revolution and the election of President Yushchenko, the UOC-MP has been discriminated against by the Rivne and Volyn oblast governments. In particular, the UOC-MP has alleged that Rivne Governor Vasyl Chervoniy illegally issued orders in April [2005] transferring control of a UOC-MP church in Mylostiv village to the UOC-KP. UOC-MP representatives also asserted that local officials and UOC-KP supporters in Rivne Oblast have repeatedly threatened UOC-MP clergy and their family members." [3b] (Section II) The 2005 USSD Ukraine Country Report noted "The UOC-MP has also protested legal action initiated by the Sumy regional government on February 21 [2005]; as of year's end local officials there were seeking to de-register the UOC-MP for alleged violations of criminal law." [3d] (Section 2c)

6.25 The same source noted that during the 2004 presidential election campaign:

"According to NGOs and media reports, priests in UOC-MP churches in the eastern part of the country actively campaigned for Yanukovych, reading special prayers for the Prime Minister and urging the faithful to vote for him. Other observers noted that this campaigning by UOC-MP priests also occurred

in other parts of the country, including Kiev. Senior UOC-MP leaders in Donetsk Oblast reportedly told parishioners that then-opposition candidate Viktor Yushchenko was a 'servant of the devil' and distributed material claiming that Yushchenko's disfigured face – the result of a near-fatal poisoning by dioxin – was divine punishment for allegedly plotting to 'betray Orthodoxy.' In December 2004, the Fifth Channel television program 'Forbidden Zone' featured audio recordings of senior UOC-MP officials in Donetsk Oblast haggling with Yanukovych campaign leaders over how much the UOC-MP would be paid for denouncing Yushchenko." [3b] (Section III)

- 6.26 The USSD Religious Freedom Report noted, however, that following Yushchenko's election victory in 2004, the UOC-MP stated they had not officially sided with one candidate during the election process and claimed that 'many denominations' had permitted political campaigning in their churches although they offered no evidence of this happening. [3b] (Section III)

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## THE UKRAINIAN ORTHODOX CHURCH-KIEV PATRIARCHATE

- 6.27 The USSD 2005 Religious Freedom Report recorded that:

"The Ukrainian Orthodox Church-Kiev Patriarchate (UOC-KP) was formed after independence and has been headed since 1995 by Patriarch Filaret (Denysenko), who was once the Russian Orthodox Metropolitan of Kiev and all Ukraine. The UOC-KP has 31 eparchies and 3,484 communities, approximately 60 percent of which are in the western part of the country. The UOC-KP is not recognized by the UOC-MP, which publicly refers to Patriarch Filaret as a 'schismatic.' The UOC-KP has 2,693 clergy members." [3b] (Section I)

- 6.28 The same report noted that :

"Representatives from the UOC-KP complained that some local governments in oblasts with strong UOC-MP representation, including the Odessa and Poltava oblasts, deliberately delayed registration of congregations that, in accordance with the law, had changed jurisdictions from the UOC-MP to the UOC-KP. Representatives from the UOC-KP also noted that local governments failed to return UOC-KP church buildings in Dnipropetrovsk, Kharkiv, and Zhytomyr." [3b] (Section II)

- 6.29 The 2005 USSD Country Report on Ukraine stated:

"During the year senior leaders of the UOC-MP publicly claimed that supporters of the UOC-KP, emboldened by the Orange Revolution, President Yushchenko's election, and indications that the Ecumenical Patriarch might recognize their church as the country's canonical Orthodox Church, attacked UOC-MP clergy and seized a number of UOC-MP churches – at times allegedly with the assistance of local police.

"The UOC-MP cited numerous such incidents, including in Rivne, Kherson, Ternopil, Chernivtsi, Volyn, and Kiev regions. For example, the UOC-MP alleged that: on February 8, UOC-KP supporters set fire to UOC-MP property in Poliske village, Rivne Region; on March 6 and 8, local authorities incited the

violent seizure of the UOC-MP's Holy Trinity church in Rokhmaniv village, Ternopil Region, severely injuring a UOC-MP priest; and on April 10, that UOC-KP supporters attempted to seize the UOC-MP's Chapel of the Kazan Icon of the Mother of God in Lukhche village, Volyn Region." [3d] (Section 2c)

- 6.30 The same source noted "Representatives of the Russian Orthodox Church Abroad (ROCA) also voiced complaints about the UOC-KP, specifically asserting that UOC-KP believers had seized, with the help of local police officials, ROCA's Holy Trinity church in Odesa Region. ROCA was involved in a separate dispute with the UOC-KP over ownership of St. George's Church, also in Odesa Region."

The report noted, however, that the UOC-KP rejected the ROCA and UOC-MP allegations. [3d] (Section 2c)

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## THE UKRAINIAN AUTOCEPHALOUS ORTHODOX CHURCH

- 6.31 The 2005 USSD Religious Freedom Report stated that:

"The Ukrainian Autocephalous Orthodox Church (UAOC) is the smallest of the three major Orthodox churches in the country; it was founded in 1919 in Kiev. Banned during the Soviet era, it was legalized in 1989 and has 12 eparchies and 1,172 communities, most of them in the western part of the country. The UAOC has 702 clergy members. In the interest of the possible future unification of the country's Orthodox churches, it did not name a Patriarch to succeed the late Patriarch Dmitriy. The UAOC is formally headed in Ukraine by Metropolitan Mefodiy of Ternopil and Podil; however, the large eparchies of Lviv, Rivne-Volyn, and Tavriya have officially broken relations with Mefodiy and have asked to be placed under the direct jurisdiction of Ecumenical Patriarch Bartholomew." [3b] (Section I)

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## OTHER CHRISTIANS

### GREEK CATHOLICS

- 6.32 The USSD 2005 Religious Freedom Report noted:

"The adherents of the Ukrainian Greek Catholic Church (UGCC) constitute the second largest group of believers after the Christian Orthodox churches. The Council of Brest formed the Church in 1596 to unify Orthodox and Roman Catholic believers. Outlawed by the Soviet Union in 1946 and legalized in 1989, the UGCC was, during that period of time, the single largest banned religious community in the world. As of January 1, 2005, the UGCC had 18 eparchies, 3,386 communities, and 2,103 clergy members. The UGCC's members, who constituted a majority of the believers in the west, numbered approximately 4 million." [3b] (Section I)

6.33 The same report noted:

“Tensions remained between some adherents of the UGCC and the UOC-MP over control of property in the western part of the country, which is a legacy of the forced reunification of these two churches under the Soviet regime. For example, the UOC-MP complained that it was informed on April 6, 2005, by the government of Zakarpattya Oblast that it must vacate churches in the villages of Korolevo, Sasovo, Cherna, Veryatsya, Khyzha and Kelechyn; the church buildings were to be turned over to the UGCC. The UOC-MP also publicly accused the UGCC of attempting to expand in regions where traditionally the Moscow Patriarchate was strong, though the UOC-MP offered no proof to back up its claims. The UOC-MP opposed plans of the UGCC to establish a patriarchate, and strongly criticized Cardinal Husar’s decision to move his headquarters from Lviv to Kiev by December 2005.” [3b] (Section III)

6.34 The Religious Freedom Report further noted that “Representatives of the UGCC complained of discrimination by the Odesa municipal government, which blocked the Church’s efforts to obtain land in the city.” [3b] (Section II)

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## ROMAN CATHOLICS

6.35 The USSD International Religious Freedom Report 2005 noted that “The Roman Catholic Church is traditionally associated with historical pockets of citizens of Polish ancestry who live mainly in the central and western regions. The Roman Catholic Church has 11 dioceses, 870 communities, and 484 clergy members serving approximately 1 million persons.” [3b] (Section I)

6.36 The above report also noted:

“Despite requests from the Roman Catholic Church, including the Pope, the Government has not yet transferred its ownership of St. Nicholas’ Cathedral and a former residence of Roman Catholic bishops in Kiev to the Church. The Church was, however, permitted to use the cathedral for daily morning Mass, on weekends, and during major religious holidays. Roman Catholic representatives also expressed frustration about unrealized restitution claims in Odesa, Mykolayiv, Sevastopol, Simferopol, Bila Tserkva, Uman, Zhytomyr, and Kiev.” [3b] (Section II)

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## PROTESTANTS

6.37 The 2005 USSD Religious Freedom Report recorded:

“Protestant Churches have grown rapidly in the years since independence. The Evangelical Baptist Union of Ukraine (the Baptist Union) is the largest group, claiming over 500,000 members in approximately 2,552 organizations. The Baptist Union has 2,394 communities and 3,069 clergy members. Other growing communities include Anglicans, Calvinists, Jehovah’s Witnesses,

Lutherans, Methodists, Mormons, Pentecostals, Presbyterians, Seventh-day Adventists, and others.” [3b] (Section I)

- 6.38 The report noted that “Although evangelical Protestant groups have expressed concerns in the past about possible government discrimination against individual believers of non-native religions, evangelical Protestant leaders indicated that their members reported no such discrimination during the period covered by this report. [3b] (Section I) However, the 2005 USSD Country Report on Human Rights Practices stated that “Evangelical Protestant leaders expressed concern about discrimination against them by the Kherson and Odesa regional and municipal governments, specifically complaining about interference with services, the authorities’ refusal to sell property for the construction of churches, and the authorities failure to protect legitimate Church property rights.” [3d] (Section 2c)

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## CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (MORMONS)

- 6.39 The 2005 USSD Country Report on Ukraine noted:

“Leaders of the Church of Jesus Christ of Latter-day Saints (LDS) in Kiev complained about the government’s unwillingness to allow a representative of their church to join the All-Ukraine Council of Churches and Religious Organizations, an influential, inter-confessional governmental advisory body. This refusal appeared to deny them legitimacy and discouraged broadcast media outlets from allowing the LDS to purchase airtime. The government continued to facilitate the building of houses of worship but members of numerous religious communities, including Protestants and LDS, described difficulties in dealing with the municipal administrations in Kiev and other large cities to obtain land and building permits. These problems were not limited to religious groups.” [3d] (Section 2c)

- 6.40 The report also noted “LDS leaders asserted that believers faced discrimination from some government officials and from the UOC-MP and UOC-KP. They expressed concern about efforts by these Churches to prevent the establishment of an LDS community in Chernivtsi. In official correspondence with the city government, UOC-MP and UOC-KP supporters accused the LDS of encroaching on an ‘Orthodox city’.” [3d] (Section 2c)

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## NON-CHRISTIAN RELIGIONS

### JUDAISM

- 6.41 The USSD Religious Freedom Report for 2005 noted:

“The Jewish community has a long history in the country. Estimates on the size of the current Jewish population vary. According to the State Committee of Statistics, the Jewish population during the 2001 census was estimated at



103,600, although some Jewish community leaders have said the number may be as high as 300,000. The All-Ukraine Sociological Service poll appears to corroborate this higher figure. Observers believe that 35 to 40 percent of the Jewish population is active communally; there are 240 registered Jewish organizations... Jewish life continues to flourish, due to an increase of rabbis entering the country since independence, and increased proportion of Jews practising their faith, and an increased willingness of individuals to openly identify themselves as Jewish. Most observant Jews are Orthodox. There are 101 Chabad-Lubavitch communities in the country. The Progressive (Reform) Jewish movement has 50 communities.” [3b] (Section I)

(See also Section 6.76 [Jews](#))

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## MUSLIMS

6.42 The 2005 USSD Religious Freedom Report stated that

“Some observers estimate that there are 2 million Muslims in the country, although most estimates are substantially lower, around 500,000. There are 457 registered Muslim communities, 320 of them on the Crimean peninsula. Sheikh Akhmed Tamim, the Mufti of Ukraine, is a member of the All-Ukrainian Council. According to Sheikh Tamim, approximately 50,000 Muslims, mostly foreign, live in Kiev. The majority of the country’s Muslims are Crimean Tatars, who were forcibly deported from Crimea to Uzbekistan by Stalin in 1944; they were permitted to begin returning home in 1989. There are approximately 300,000 Crimean Tatars in Ukraine; 267,000 live on the peninsula.” [3b] (Section I)

6.43 The Religious Freedom Report noted:

“Muslim leaders and representatives of the Crimean Tatar Mejlis acknowledged that, during the period covered by this report, the Crimean Government took steps to promote interfaith understanding through interfaith dialogue between Muslims and the UOC-MP. However, Muslim leaders and Mejlis members asserted that the efforts have not been successful...

“Representatives of the Muslim community, both in Kiev and in Crimea, noted that they have had difficulty registering communities; for example, the Kharkiv Oblast government has, for the past 11 years, refused to register a Muslim community. In addition, Islamic community leaders have also expressed frustration with the Ministry of Education, which has yet to register a single Islamic school.” [3b] (Section II)

6.44 The same source noted:

“Muslims leaders in Crimea, as well as members of the Crimean Tatar Mejlis, accused the UOC-MP of encouraging anti-Muslim and anti-Tatar violence in Crimea. UOC-MP priests in Crimea reportedly have assured ethnic Russian vigilantes, who refer to themselves as Cossacks, that violence against Muslim Tatars was justified in order to ‘protect Orthodoxy’ in Crimea.



“Mejlis members and Crimea-based human rights groups also criticized the Crimean Government for permitting schools to use textbooks that contain inflammatory and historically inaccurate material about Tatar Muslims. Human rights activists specifically noted that a popular textbook for fifth graders, Viktor Misan’s ‘Stories on the History of Ukraine,’ contains more than 20 pejorative references to Muslims, including the canard that Tatar children had frequently used ‘elderly and disabled Ukrainian captives for archery and saber practice.’ Similarly, A.K. Shchvidko’s 8th-grade textbook, ‘History of Ukraine, 16-18th Centuries,’ depicts Muslims in a negative light, erroneously asserting, for example, that ‘there wasn’t a year when Tatars didn’t invade Ukraine, burn its villages and towns, slaughter its citizens, and take prisoners.’ One major Crimea-based human rights group noted that such misinformation collectively creates an impression among young people that ‘Tatars are bad for Ukraine and that to kill and rob them is a blessed deed.’” [3b] (Section III)

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## FREEDOM OF ASSEMBLY AND ASSOCIATION

6.45 The 2005 USSD Country Report on Human Rights Practices noted “The law provides for freedom of assembly and association, but in a few instances the government infringed on these rights.” [3d] (Section 2b)

6.46 The report stated:

“The law requires that demonstrators inform the authorities of a planned demonstration in advance, and the law on public assembly stipulates that organizations must apply for permission to their respective local administrations at least 10 days before a planned event or demonstration. Permits were routinely granted to those who requested them, though the permits sometimes stipulated that demonstrators had, for example, to stay on the sidewalks and not block traffic in key downtown Kiev intersections. The law prohibits demonstrators from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice, unlicensed demonstrations were common. In contrast to 2004, they generally occurred without police interference, fines, or detention, but there were several exceptions.

“For example, the media reported that, at 6 a.m. on April 9, police in Odesa forcibly dismantled a tent camp erected in the city center by supporters of former Prime Minister Yanukovych and former Odesa Mayor Bodelan; the demonstrators did not have a permit for the tent camp. The camp residents generally did not resist police. However, at least two Yanukovych supporters complained publicly that police officers had physically mistreated them during the dismantling process.

“The media reported that police in Uzhhorod beat opposition members of parliament Nestor Shufrych and Tamara Proshkuratova during a protest inside the hospital room of former Zakarpattya Region Governor Ivan Rizak.” [3d] (Section 2b)

6.47 The USSD 2005 reported that:

“The law provides for freedom of association and in contrast to 2004, the government generally respected this right in practice, but some restrictions remained. Registration requirements for organizations were extensive, but there were no reports that the government used them during the year to disband existing legitimate organizations or prevent new ones from forming.

“The former youth movement Pora had difficulty registering as a political party, but was eventually registered by the MOJ on June 1. The media reported on October 28 that the MOJ refused to reregister the party Slavic People’s Patriotic Union under a new name, Party of Putin’s Policies; the MOJ cited ‘unspecified irregularities’ in the party’s application as the as the [sic] basis for the refusal. On November 18, the MOJ reversed its decision without explanation and registered the party under its new name.

“The law places restrictions on organizations that advocate violence or racial and religious hatred or that threaten the public order or health. There were no reports during the year that the authorities used these criteria to restrict the activities of legitimate organizations that opposed the government.” [3d] (Section 2b)

6.48 The same source noted:

“Two major opposition political parties associated with the previous government, the Social Democratic Party of Ukraine (United) and Regions of Ukraine, repeatedly and publicly complained that thousands of their supporters, many of them doctors and teachers, were dismissed from their government jobs during the year simply because of their association with anti-Yushchenko political parties. Human Rights Ombudsman Karpachova told the media on July 7 that, during the first 6 months of the year, 1,243 individuals had complained to her office about being pressured or dismissed because of their political beliefs. However, widely respected human rights organizations rejected the characterization of the dismissals as persecution, noting that only approximately 5 percent of the country’s 450 thousand civil servants had been dismissed and replaced by supporters of the Yushchenko administration. One major voter rights NGO also emphasized that the bulk of the dismissed officials were Kuchma-era political appointees generally of district-chief rank or higher.” [3d] (Section 2b)

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## POLITICAL ACTIVISTS

6.49 The 2005 USSD Country Report recorded:

“The CVU [Committee of Voters of Ukraine]... criticized President Yushchenko’s September 22 [2005] decision to introduce an amnesty law that could include individuals who participated in electoral fraud during the 2004 presidential election. The proposed amnesty was part of a broad political deal with Yanukovych that helped secure parliamentary approval of Prime Minister Yekhanurov. The CVU said that such an amnesty would allow individuals who committed violations in 2004 to serve again on polling station commissions. On

the other hand, opposition politicians connected to the previous regime and the head of the CEC welcomed the step. The media reported on September 30 [2005] that, according to Presidential Chief of Staff Oleh Rybachuk, the amnesty would not cover the organizers of the electoral fraud; he specifically mentioned former Kuchma chief of staff Viktor Medvedchuk and former CEC Chairman Serhiy Kivalov as individuals not covered by the proposed amnesty. Observers also noted that under Ukrainian law, 2006 would be the earliest that the parliament could consider such an amnesty.” [3d] (Section 3)

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## EMPLOYMENT RIGHTS

6.50 The 2005 USSD Country Report recorded that:

“The new government substantially increased the monthly minimum wage, pensions and other social payments with the March 29 budget. The government raised the minimum wage three times during the year, to \$66 (UAH 330) to make it equal to the subsistence level for persons with disabilities set by the 2005 budget. Nonetheless, the minimum wage and associated pension levels did not provide a decent standard of living for a worker and family. The State Labor Inspectorate is responsible for enforcing the minimum wage but was unable to thoroughly monitor all employers. Many workers, especially in the informal sector, received far below the minimum wage.” [3d] (Section 6e)

6.51 The report also noted “The law provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries significantly reduced the workweek for some categories of workers. The law provides for double pay for overtime work and regulates the amount of overtime hours allowed. However, regulations covering rest periods, maximum hours, and overtime were not always effectively enforced.” [3d] (Section 6e)

6.52 The 2005 USSD report further stated that:

“Although the law contains occupational safety and health standards, these frequently were ignored in practice. In particular, illegal coalmines connected to organized crime and corrupt leaders operated in unsafe conditions, resulting in scores of deaths. A 10-day inspection in Donetsk Region by officials in April uncovered 1,300 violations of labor safety and resulted in the closure of 60 facilities at 10 mining sites. Lax safety standards and aging equipment caused many injuries on the job. During the first 9 months of the year, there were 15,011 injuries (1,781 fewer than for the same period in 2004), including 762 job-related fatalities (96 fewer than in the previous year). The number of miners injured in the coal sector was 7,768 (down from 9,218 in 2004), including 157 fatalities (compared with 200 in 2004).” [3d] (Section 6e)

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## TRADE UNIONS AND THE RIGHT TO STRIKE

6.53 The 2005 USSD Country Report on Ukraine stated that:

“The law provides for the right of most workers to join unions to defend professional, social and economic interests, and this right was generally respected in practice. The law prohibits certain categories of workers, such as nuclear power plant employees, from joining unions. Large companies and some local government officials continued to resist the formation of unions.

“Under the law, all trade unions have equal status, and the establishment of a trade union does not require government permission. However, unions affiliated with the Federation of Trade Unions (FPU), which maintained strong ties with the government and inherited assets from the official Soviet-era unions, enjoyed an advantage in organizing workers.

“Since 2003 unions no longer need prior approval from the Ministry of Justice to be established. But in order to function as an organization for all practical purposes, a union must obtain proof of registration as a legal entity. Unions report this registration process is extremely burdensome, entailing visiting up to 10 different offices, submitting extensive documentation, and paying a number of fees.” [3d] (Section 6b)

6.54 The same source noted:

“The law permits trade unions to organize and participate in collective bargaining, but these rights were not always respected in practice.” The report also noted that:

“The law provides for the right to strike ‘to defend one’s economic and social interests,’ as long as strikes do not jeopardize national security, public health, or the rights and liberties of others; the government generally respected this right. It does not extend the right to strike to personnel of the PGO [Prosecuter General’s Office], the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Workers who strike in prohibited sectors may receive prison terms of up to three years.” [3d] (Section 6b)

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## PEOPLE TRAFFICKING

6.55 The USSD June 2006 Trafficking in Persons Report placed Ukraine on Tier 2. The report stated:

“Ukraine is primarily a source country for men, women, and children trafficked internationally for the purposes of sexual exploitation and forced labor. Primarily destination countries include Turkey, Russia, and Poland. Other major destinations include the Czech Republic, Italy, Israel, Greece, Serbia and Montenegro, the United Kingdom, Lithuania, and Portugal. Reports of internal trafficking continued. The number of destination countries used by traffickers

increased in 2005, with almost 50 countries serving as destination points throughout Europe and eastward, including China.

“The Government of Ukraine does not fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2005, Ukraine increased its law enforcement capacity, proactively investigated trafficking, and strengthened its anti trafficking criminal code; however, two-thirds of convicted traffickers received probation instead of prison sentences.” [3c]

## **EFFORTS TO COMBAT PEOPLE TRAFFICKING**

- 6.56 Regarding prosecution of victims of trafficking, the 2005 USSD Ukraine Country Report noted:

“The government increased its investigation and prosecution of suspected traffickers during the year, largely due to an increase in resources allotted by the MOI [Ministry of Interior] to its newly created antitrafficking department. However, resources allotted to combating trafficking in persons by the PGO remained far from adequate. During the first nine months of the year [2005], according to statistics supplied by the MOI, 354 cases were filed involving 217 suspected traffickers and 390 victims, including 41 minors. The authorities broke up 32 organized criminal rings involved in human trafficking in the same period. During the first 6 months, at least 149 criminal cases were brought to trial. Sentences were handed down on 58 defendants, including 31 women; 38 defendants received suspended sentences, 4 were sentenced to up to 5 years in prison, 9 received 3-to-5 years, 6 received 5-to-7 years, and 1 was sentenced to 8 years.” [3d] (Section 5)

- 6.57 Referring to Ukraine's efforts on prevention of trafficking, the USSD 2005 Country Report noted:

“At the beginning of the year, the MOI raised the status of its unit that specializes in antitrafficking matters to that of a stand-alone antitrafficking department; it had previously been part of the criminal investigation department. As of year's end the anti-trafficking department had branches in each of the ministry's 27 regional directorates, and more than 500 officers are exclusively dedicated to combating trafficking in persons... The department received training and equipment from international donors.” [3d] (Section 5)

- 6.58 The same source also stated:

“Corruption in the judiciary and police continued to impede the government's ability to combat trafficking. Local officials reportedly aided organized crime groups involved in trafficking... NGOs asserted that local police and border guards received bribes in return for ignoring trafficking. The authorities did not disclose official statistics on corruption related to trafficking, but some law enforcement investigations of human trafficking revealed abuses of power by governmental officials responsible for issuing passports. Officials issued passports to minors, for example, with false age or other information. The low number of prosecutions of government officials for such activities raised questions about whether the government was willing to take serious disciplinary action against high-level officials.” [3d] (Section 5)

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## PROTECTION FOR VICTIMS OF TRAFFICKING

6.59 The USSD Trafficking in Persons report recorded:

“The Government of Ukraine continued to rely on NGOs and international organizations to provide the bulk of victim assistance and protection in 2005. Through its consulates abroad, the Ministry of Foreign Affairs repatriated 498 Ukrainian victims during the reporting period [April 2005 – March 2006]. The government reported 446 Ukrainian victims in trafficking cases and IOM assisted 720 victims in 2005. Law enforcement authorities continued to cooperate with NGOs at the port of Odessa and Boryspil airport to screen and refer victims repatriated or deported from abroad. The Ministry of Foreign Affairs encouraged Ukrainian diplomats to refer all trafficking victims to IOM. The government failed to take steps to establish a credible witness protection program for trafficking victims in 2005. The government’s inability to protect victims continued to result in few victims safely cooperating in prosecutions; victims’ confidentiality and dignity were not sufficiently respected.” [3c]

6.60 The 2005 USSD Country Report stated “Although some victims testified against traffickers during the year, victims were often reluctant to seek legal action against them. This reluctance was due largely to lack of trust of law enforcement agencies, negative public opinion toward trafficking victims, and the insufficient protection offered to witnesses as a result of budgetary considerations.” [3d] (Section 5)

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## SUPPORT FOR VICTIMS OF TRAFFICKING

6.61 The USSD 2005 Country Report stated that:

“From January to October, the IOM helped 488 trafficking victims to return and reintegrate into society. The IOM continued to operate a comprehensive medical center and shelter for victims of trafficking in Kiev, providing medical and psychological services, including vocational counselling, to 174 individuals during the first 9 months of the year. However, these victims represented only a small percentage of the total number of Ukrainians trafficked abroad. Limited medical, psychological, and legal assistance was available, as was job skills training, job placement, and micro-credits. Psychological assistance was widely available through state institutions, but medical assistance was only available from shelters funded by international organizations and was not fully provided in all cases.” [3d] (Section 5)

6.62 The USSD 2005 report also noted “Between February and August [2005], the international NGO Caritas provided 51 victims of trafficking with reintegration assistance in their shelter. Caritas also established a network of counselling centers providing social services to trafficked women in Khmelnytsky, Ivano-Frankivsk, Sokal and Drohobych. Between February and August these centers



provided 1,189 consultations regarding the prevention of trafficking.” [3d] (Section 5)

6.63 The same source reported that:

“Another 31 smaller NGOs facilitate cooperation between victims, communities, and law enforcement organizations in addressing trafficking issues. With foreign government assistance, the help of local administrations, and their own resources, local NGOs continued to serve as trafficking prevention and women’s support centers in the regions. Among other things, the centers provided legal and psychological counselling to trafficking victims. NGOs also operated 18 regional hotlines for trafficking victims in different cities.” [3d] (Section 5)

6.64 The OSCE Project Co-ordinator in Ukraine for Anti-trafficking reported:

“Since 1999, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Project Co-ordinator in Ukraine have supported regional and national hotline activities. These hotlines play a role before, during and after the trafficking experience. They target people who are interested in going abroad for employment, marriage and so on, as well as actual victims of trafficking.” The report stated “When victims are identified, the hotline consultants automatically refer them to IOM or a governmental aid agency in order to provide them with relevant medical, psychological or legal assistance. Since the establishment of the hotline activities in Ukraine in 1999 until August 2004, approximately 35,000 people have benefited from hotline services.” [29a]

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## FREEDOM OF MOVEMENT

6.65 The 2005 USSD Country Report on Human Rights Practices stated that the law provides the right for freedom of movement within Ukraine. The report noted:

“A new system of registration was introduced during the year [2005], replacing most elements of the ‘propyska’ system that inhibited the free movement of individuals. Human rights groups stressed that a major difference between the new system and the propyska system is that a person may live, work, and receive services anywhere in the country. There was no indication that individuals were denied access to services because they were not registered in the locality where they resided.” [3d] (Section 2d)

6.66 In an email to the Home Office, dated 26 September 2005, the Foreign and Commonwealth Office’s Honorary Legal Advisors, Baker & McKenzie, in Kiev, provided the following information on the Ukrainian registration system:

“Under Ukrainian law, the propiska system (which has recently been renamed the ‘temporary registration system’) is the registration of any person residing in Ukraine at his/her place of residence. The temporary registration of Ukrainian citizens is performed by ZHEKs (i.e., public utilities companies) and the temporary registration of foreign citizens is performed by OVIR (i.e., the State Department for Citizens, Immigration and Registration of Individuals affiliated with the Ministry of Interior of Ukraine).” [2b]



- 6.67 The FCO's Legal Advisors also confirmed in a letter to the Home Office, dated 20 February 2006:

"[that]... the [temporary registration] system, ... is a direct replacement for the 'propiska' system. On 14 November 2001, the Constitutional Court of Ukraine determined that the 'propiska' system was inconsistent with the Constitution of Ukraine due to its nature in requiring the permission of the authorities. Moreover, as was separately mentioned in the Constitutional Court's decision, such individual rights and freedoms, such as freedom of movement, freedom of choosing the place of residence, etc., may be reasonably limited only by laws of Ukraine and not by any subordinate legislation.

As a consequence of this decision, on 11 December 2003, a new Law of Ukraine was adopted by the Parliament (Verkhovna Rada) 'On Freedom of Movement and Freedom of Choice of Residence in Ukraine' (the 'New Law'). This New Law envisages a new procedure for the registration of individuals at the place of their residence, instead of the previous 'propiska' system." [2c]

- 6.68 In the same letter, Baker & McKenzie also provided answers to the following questions, put to the FCO by the Home Office, regarding the registration system:

**"A reference in the USSD 2004 cited the Minister of Justice complaining (undated) to the newspaper *Dzerkalo Tyzhnya* that 'similarities remained between the new system and the propiska system, specifically noting that the police remained in charge of residence registration.' [3a] (Section 1f)... What were the reasons for changing from the 'propiska' system to the current registration system operated by ZHEK? (was this a purely cosmetic exercise and like the Justice Minister's quote do the police retain control?)**

"The Decision of the Constitutional Court of Ukraine was indeed the main reason for changing from the 'propiska' system to the new registration system, while the initial ground for the decision of the Court was the desire to change the essence and the level of regulation of the 'propiska' system.

"The 'propiska' system was, in fact, a permission procedure, meaning, for example, that an individual was obliged to receive the prior permission of the Internal Affairs authorities in order to be registered (i.e., to get a 'propiska') anywhere in Ukraine. This procedure extremely limited an individual's freedom of movement in Ukraine.

"Moreover, unlike the situation before the change of the 'propiska' system as a result of the New Law, the authorities are now prohibited from demanding any additional documents from citizens other than those prescribed by the New Law, which are indicated as being required for registration purposes; e.g., the authorities may not require documents confirming the right of the person to be registered at a particular address (such as title ownership of the premises or other documents).

"Given all of these facts, this change of the 'propiska' system cannot be considered merely to have been a cosmetic exercise, at least not from the legislative point of view.

“Nonetheless, in practice, starting from 14 June 2002, until today, the ‘propiska’ system and the current registration system continue to be operated by the same authority: the State Department on Citizenship, Immigration, and Registration of Individuals (the ‘Department’). The Department is part of, and is operated by, the Ministry of Internal Affairs of Ukraine. Before the Department was established, another authority operated the system; however, it was still an authority of the Ministry of Internal Affairs.

“Therefore, the police (i.e., the Internal Affairs authorities) still operate and control all of the issues concerning the registration of an individual’s place of residence in Ukraine.

**“What is the actual, if any, involvement of the police in the day to day administration of the ZHEK system? e.g. are any police stationed in ZHEK offices or the same building, are the registration forms routinely referred to the police to make checks, are there restrictions on police access to the register? Who effectively operates the system?”**

“The ZHEK is merely an intermediary power between individuals and the Internal Affairs authorities. The ZHEK collects all of the required documents, along with the passports, of the relevant individuals, and then forwards them to the local Internal Affairs authority (i.e., the district division of the Department). The district division of the Department takes the relevant actions on the registration of the individual at his/her new address, including placing the relevant stamp in the passport of the person, and then returns the passport with the relevant documents to the relevant ZHEK, where the individual finally obtain [sic] his/her new registration, which is, in fact, his/her passport with a new stamp.

**“What is the overall control, if any, of the police over the ZHEK system? The same further questions as b) apply. Who ultimately owns the system?”**

“According to the information provided to us by both the local division of the Department and the local ZHEK, the application filed by an individual is kept by the Internal Affairs authorities, while the ZHEK is merely responsible for keeping the registration books with the relevant information and all of the other documents filed by the individual.

**“How has the day to day operation and overall control of the ZHEK system changed compared to the ‘propiska’ system, as opposed to the changes in restriction to public services?”**

“The most important thing that has changed is that, according to the New Law, an individual, who wants to be registered at a new address, need not ask any more for permission to do so. This implies that, if all of the required documents are filed by such individual, and if such documents meet the requirements of the law, then the relevant authorities must register this individual at the new address and may not require any additional documents or reject his/her registration application. If an individual’s right of free movement and/or the procedures for the registration of his/her place of residence are violated by any illegal actions or acts of local authorities and/or officials, or by their inactivity, then such actions/inactions may be appealed to the relevant Ukrainian court by the interested party.” [2c]

- 6.69 The 2005 USSD report further stated that “Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in another country, but there were no known cases of exit visas being denied to citizens during the year. The government could deny passports to individuals in possession of state secrets, but those denied had the possibility of appealing.” [3d] (Section 2d)

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## 6.B. HUMAN RIGHTS – SPECIFIC GROUPS

### ETHNIC GROUPS

- 6.70 The USSD 2005 Country Report noted “The laws prohibit discrimination on the basis of race, sex, and other grounds; however, the government did not enforce these provisions effectively, in part due to the continuing absence of an effective judicial system. Violence against women and children, trafficking in persons, and harassment and discrimination against ethnic minorities and homosexuals, were problems.” [3d] (Section 5)
- 6.71 Amnesty International noted in their report covering events from January–December 2005 that “There were continuing reports of anti-Semitic and racist attacks across the country.” [7a]
- 6.72 The 2005 USSD report stated that:
- “Harassment of racial minorities was a continuing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of light-skinned individuals were rare. Although the authorities disciplined police who engaged in this harassment when incidents were brought to their attention, such behavior remained common. There were multiple reports of racially motivated violence against persons of African and Asian heritage by skinheads. Representatives of minority groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.” [3d] (Section 5)
- 6.73 In their 2006 Overview of Human Rights issues in Ukraine, Human Rights Watch confirmed that “Racism and xenophobia remain entrenched problems in Ukraine. Police regularly target minorities for so-called ‘document checks,’ which almost always result in bribes or illegal detention accompanied by beatings or other ill treatment.” [9a]
- 6.74 The 2005 USSD report noted “The parliament has a Committee on Human Rights, National Minorities, and Interethnic Relations chaired by former foreign minister Hennadiy Udovenko. Credible human rights NGOs considered the committee’s work to be of significant value. For example, on April 12 [2005] the committee held, for the first time since independence, an extensive hearing on the situation of Roma in the country.” [3d] (Section 4)

(See Section 6.79 [Roma](#))

- 6.75 The 2005 USSD report also noted “The number of minorities in the parliament was not available due to privacy laws. Among parliament members there were ethnic Russians, Bulgarians, Crimean Tatars, Armenians, Hungarians, Georgians, and Jews. The prime minister at year’s end [2005], Yuriy Yekhanurov, is half ethnic Buryat. His cabinet included an ethnic Russian and an ethnic Hungarian.” [3d] (Section 3)

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## JEWS

- 6.76 In their 2006 report, Amnesty International noted “The Union of Councils for Jews in the former Soviet Union reported at least eight attacks against Jews and defacement of synagogues in Ukraine. Synagogues and Jewish community centres were vandalized in Ivano-Frankivsk, Izmail, Zhytomyr, Kyiv and Vinnytsya, and an Armenian church was daubed with anti-Semitic and anti-Armenian graffiti in Lviv. On several occasions during the year President Yushchenko condemned anti-Semitism and pledged to end it.” [7a]

- 6.77 The 2005 USSD Country Report also noted that there were a number of anti-Semitic attacks in 2005 and highlighted some of these:

“On January 8 in Simferopol, a group of skinheads assaulted 13 students from a Chabad Jewish day school. Two of the students, girls aged 11 and 16, required hospitalization; one had a concussion, and another had a broken nose. Police were investigating at year’s end. On August 28, a group of skinheads assaulted two Yeshiva students in Kiev. One of the students had his skull partially crushed with a beer bottle. On August 31, the police arrested three of the alleged assailants, who have been charged with criminal hooliganism. Deputy Minister of Internal Affairs Gennady Moskal told the press on September 1 that the attack was not motivated by anti-Semitism, an assertion that was publicly questioned by a few prominent members of the Jewish community. President Yushchenko publicly condemned the assault. On September 11, a group of skinheads assaulted a rabbi and his son at the Kiev Expo Center. Police on the scene detained a group of suspects; two have been charged with criminal hooliganism.

“There were also several instances in which synagogues and cemeteries were vandalized; police follow-up often appeared to be ineffectual because of lack of evidence and/or indifference. However, there was an official response in some cases. For example, four neo-Nazis were sentenced on February 7 for vandalizing gravestones in a cemetery in the Donetsk Region in 2004. The court issued suspended sentences for the two adult defendants and ordered ‘compulsory educational measures’ under parental supervision for the two juveniles. According to media reports, the local Jewish community requested light sentences for the vandals, who came from extremely poor families. In Rivne, municipal authorities restored the desecrated Sosonky memorial, vandalized in April 2004.

“Issues involving anti-Semitism also appeared in public life. The media reported on February 26 that renowned accordion player and Yanukovych supporter Jan Tabachnyk, who is Jewish, accused Deputy Prime Minister Mykola Tomenko of

making anti-Semitic comments about him. Tomenko had said in a radio interview that ‘Ukrainian artists, and not simply some Tabachnyks or Kobzons’ (a reference to Jewish Russian entertainer and Yanukovych supporter Iosif Kobzon) should perform in Ukraine. Tomenko denied the charge. The Jewish community was split over whether Tomenko’s comments were anti-Semitic in nature.

“According to a report by the AEN news agency, a group calling itself the ‘Party of National Patriots’ handed out leaflets in Donetsk’s Lenin Square on May 9 calling for the murder of Jews. Specifically, the leaflets called for ‘death by shooting’ for ‘conspirators and leaders of international Zionist political and religious organizations acting on the territory of Ukraine.’ There were no reports of official action taken against the group.” [3d] (Section 2c)

6.78 The same USSD report noted that:

“On March 28, a small, openly anti-Semitic, political party officially registered with the government. The Ukrainian Conservative Party was associated with the anti-Semitic Inter-Regional Academy of Personnel Management, known in Ukrainian as MAUP. The party’s charter calls for ‘a struggle against Zionism and fascism’ and a return to the Soviet-era practice of indicating a person’s ethnicity on their passport. MAUP also sponsored a June 3 [2005] conference in Kiev at which speakers reportedly called for the deportation of all Jews from Ukraine. According to Jewish leaders, a UOC-MP priest participated in this conference.

“MAUP was the most persistent anti-Semitic presence in the country. It was allegedly funded by Libyan, Syrian, Iranian, and Palestinian government sources. It published a monthly journal *Personnel* and a weekly newspaper *Personnel Plus*. Jewish organizations said that MAUP accounted for nearly 85 percent of all anti-Semitic material published in Ukraine during the year. On December 5, President Yushchenko issued a statement specifically criticizing MAUP for its anti-Semitic publications.” [3d] (Section 2c)

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## ROMA

6.79 The 2005 USSD Country Report stated:

“Roma are located throughout the country, but there are concentrations in Zakarpattya Region, Crimea, and around Odesa. Police continued to abuse them and use violence against them. For example, according to the human rights NGO Romani Yag, on January 20 police in Uzhhorod conducted early-morning raids on the homes of Romani families in the city’s Radvanka and Telmana neighborhoods. All Romani men seized in the operation, including the elderly and the ill, were taken by the police for fingerprinting. At a February 8 roundtable with Romani leaders in the city, Deputy Uzhhorod Police Chief Myhailo Turzhanytsa defended the operation, characterizing it as a ‘prophylactic action which was carried out as a consequence of increased criminality’ in the Romani community.

“Roma also faced considerable societal hostility. Opinion polls indicated that social intolerance is greater toward Roma than toward any other ethnic group. The media reported on August 10 that riot police in Krasnoyilsk, Chernivtsi Region, deployed to protect a Roma camp from vigilante violence by local residents seeking the alleged killers of an eight-year-old girl.” [3d] (Section 5)

- 6.80 In an undated report by the European Roma Rights Centre (ERRC), the author noted:

“Police abuse, although by far not the only pattern of gross violations of Roma rights, is definitely the most widespread and violent type of abuse of Roma rights. It is no wonder that fear of the police is so widespread among Roma in Ukraine. For the majority of the Romani population this fear is not merely instinctive: it comes from experience of interaction with police. This experience varies from torture and ill-treatment in police custody, through fabrication of incriminating evidence, daily harassment and intimidation by the police and racist anti-Romani speech. Among the most vicious examples of police brutality against Roma in Ukraine was the 2001 incident in Kremenchug during which police set Roma on fire in their own house. For the justice system in Ukraine, however, these offenses are non-existent. Perpetrators usually avoid justice and continue to commit human rights violations with the confidence that the ‘system’ would never fail them. Practice shows that the worst that a police officer who had violated the law abusing the rights of a Romani individual can expect is to be demoted or simply transferred from one police department to another. In the Kremenchug case, for instance, despite strong evidence against a police major, no investigation against him had been launched and continues to perform his duties in a different police department of the same city.” [30]

- 6.81 Following human rights violations, the same ERRC report noted “Romani organisations in Ukraine have sent numerous letters of concern in the past years to prosecutors, police chiefs, and in very serious cases, to the General Prosecutor and/or the Ombudsperson, alleging racist violence committed by police officers. Regardless of the evidence provided to support the allegations, the respective authorities invariably discarded the allegations.” [30]

- 6.82 On a more positive note however, the ERRC report stated:

“... [that] some recent events have indicated that the current political elite may be more open to listening to human rights activists. On April 12, 2005, for example, for the first time, a parliamentary hearing ‘On the situation of the Romani people’, organised by the Human Rights Committee of the Ukrainian Parliament, was held. Even though it would be naïve to believe that such a hearing in itself will bring about real changes for Roma, it is an extremely positive sign of the political will of the current political elite which, for the first time, expressed readiness to listen to the problems Roma in Ukraine face.” [30]

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## ETHNIC RUSSIANS

- 6.83 As noted by the 2005 USSD Country Report:



“The constitution provides for the ‘free development, use, and protection of the Russian language and other minority languages,’ but some pro-Russian organizations in the eastern part of the country and in Crimea complained about the increased use of Ukrainian in schools, the media, and the courts. These groups claimed, for example, that their children were disadvantaged when taking academic entrance examinations, since all applicants were required to take a Ukrainian language test. Government representatives disagreed. Deputy Minister of Education and Science Viktor Ohnevyuk noted in an August 31 [2005] interview with Interfax that ‘every fifth student in Ukraine is taught in Russian.’ According to Ohnevyuk, 1,500 schools teach students in the Russian language. In addition, he said that 550 schools teach students in two languages, either Russian and Ukrainian or Russian and Crimean-Tatar...”  
[3d] (Section 5)

- 6.84 The USSD report further noted that “A poll conducted in April by the Democratic Initiatives Fund showed that 76 percent of the respondents supported the granting of official status to the Russian language.” The report also stated “The Russian cultural center in Lviv was vandalized multiple times during the year. The media reported that, on the night of June 7 [2005], a bust of the Russian writer Pushkin was destroyed. According to media reports, unidentified vandals spray-painted a swastika on the center’s facade on September 21 [2005] and on November 16 [2005] smashed several of the center’s windows.”  
[3d] (Section 5)

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## CRIMEAN TATARS

- 6.85 The 2005 USSD Country Report recorded that:

“Crimean Tatar leaders complained that their community, whose members have returned to Ukraine over recent decades after having been forcibly exiled from their traditional Crimean homeland during World War II, were not receiving adequate assistance in resettling. Returning Tatars were given land plots on the peninsula, but only inland, and not along Crimea’s desirable southern coast from which Tatars claimed they were exiled. The previously onerous process of acquiring citizenship excluded many of them from participating in elections and deprived them of a fair opportunity to participate in the privatization of land and state assets in the 1990’s. The newly privatized land was subsequently priced beyond their means. They asserted that discrimination at the hands of (largely ethnic-Russian) officials in Crimea deprived them of employment in local administrations and that propaganda campaigns, particularly by Russian Cossacks, fomented hostility toward them among other inhabitants of Crimea.”  
[3d] (Section 5)

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## WOMEN

- 6.86 As stated in Article 24 of the Constitution of Ukraine:



“Equality of the rights of women and men is ensured: by providing women with opportunities equal to those of men, in public and political, and cultural activity, in obtaining education and in professional training, in work and its remuneration; by special measures for the protection of work and health of women; by establishing pension privileges, by creating conditions that allow women to combine work and motherhood; by legal protection, material and moral support of motherhood and childhood, including the provision of paid leaves [sic] and other privileges to pregnant women and mothers.” [20]

6.87 The USSD 2005 Country Report stated that:

“Violence against women remained a serious problem. Spousal abuse is illegal but was common, and the authorities often pressured women not to press charges against their husbands. An April 8 [2005] article in the national newspaper *Sehodnya* noted that domestic violence was rarely prosecuted in the country. One major NGO estimated that at least 50 percent of all Ukrainian women have been subjected to physical violence or psychological abuse at home.

(See Section 6.92 [Domestic Violence](#))

6.88 Regarding women in employment, the 2005 USSD report stated that “Women’s groups reported that there was continuing widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a materially dependent person, which applies to employees, legal experts regarded the safeguards against harassment as inadequate.” The report also noted:

“On September 8, President Yushchenko signed a law mandating equal legal rights for men and women and establishing legal protection against gender discrimination. However, human rights observers and women’s groups noted that discrimination against women continued to be a common problem in the workplace. The government and private businesses regularly specified the gender of employees in their help-wanted advertisements, and employers frequently demanded information about a woman’s family situation and subsequently used it to deny employment to women who were likely to become pregnant. Physical appearance and age were often taken into account in employment decisions involving women.

“Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed. However, industries that were dominated by female workers were also those with the lowest relative wages and the ones that were most likely to be affected by wage arrears problems.” [3d] (Section 5)

6.89 The same source reported “There were 25 women in the 450-seat parliament. Yuliya Tymoshenko served as prime minister in the Yushchenko administration until her dismissal on September 8 [2005]. Oksana Bilozir served as minister of culture and tourism in the Yushchenko administration until she was dismissed along with the rest of the Tymoshenko cabinet. The 18-member Constitutional Court, which had 13 vacant seats as of year’s end, had 1 female member.” [3d] (Section 3)

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## MARRIAGE

- 6.90 Chapter three of the Family Code of Ukraine, dated 2002 and accessed on 10 May 2006, stated that:

“A marriage is a family union between a woman and a man, duly registered in a public civil status act registration authority. [26] (Article 21. Notion of Marriage) Marriageable age for women is 17 years and for men – 18 years. Persons wishing to register their marriage shall be of marriageable age as of the date of marriage registration. [26] (Article 22. Marriageable Age) Persons that have attained marriageable age have the right to marry. Upon application of a person that has attained 14 years, a court may grant him/her the right to marry if it is found that such a marriage satisfies his/her interests. [26] (Article 23. Right to Marry) A marriage shall be based on a free consent of a woman and men [sic]. Forcing a woman and men [sic] into a marriage is not permitted.” [26] (Article 24. Free Marriage)

## DIVORCE

- 6.91 With regards to the termination of marriage, Chapter 11 of the Family Code of Ukraine noted that either spouse may make an application for divorce as a result of the marriage's dissolution. [26] (Article 105. Termination of a Marriage as a Result of its Dissolution)

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## DOMESTIC VIOLENCE

- 6.92 The 2005 USSD report noted:

“According to the MOI [Ministry of Internal Affairs], during the first 11 months of the year, 70,888 domestic violence complaints were made to Ukrainian law enforcement agencies. During that same period, courts issued rulings in 67,639 domestic violence cases. Warnings were issued to 5,412 people, 52,739 people were fined, 277 were sentenced to community service, and 8,973 were jailed.

“State-run hotlines, shelters, and other forms of practical support for victims of abuse were few. Municipal authorities in Kiev ran a women's center, one of only two municipally-supported shelters in the country; the other, located in the Crimean town of Izumrudne, opened on February 23 [2005]. The authorities in Izumrudne permitted women to stay at that shelter for up to three months, according to media reports. NGOs attempted to provide services for abused women through the establishment of women's support centers in nine cities. Violence against women did not receive extensive media coverage despite the efforts of human rights groups to highlight the problem.” [3d] (Section 5)

- 6.93 On 4 April 2005, Stop Violence Against Women (StopVAW) reported on Ukraine's Domestic Violence Prevention Law. The report noted:

“After the adoption of the Law on domestic violence, the administrative law was amended to include an Article on domestic violence. The Code of Ukraine on Administrative Offences now contains Article 173.2. Accomplishing of Domestic Violence or non-fulfillment of Protective Order. The punishment for such offences according to this article is a ‘penalty from 1 to 3 untaxed minimums of incomes of citizens or correctional works for 1 month with deduction 20% of earnings or penalty from 3 to 7 untaxed minimums of incomes of citizens or correctional works from 1 to 2 months with deduction twenty percents of earnings, or administrative arrest for 15 days’. In practice this means that, in most cases, the perpetrator will be punished with a fine amounting to about ten to twenty U.S. dollars, paid from the family budget. Such a small sum usually cannot stop the perpetrator from repeating violent acts. In the majority of domestic violence cases, victims suffer minor injuries that are insufficient to start the criminal procedure. Such an administrative penalty is the only possible ‘punishment’ for the perpetrator in most cases. So, changes in the legislation made according to the Domestic Violence Prevention Law were not very helpful for many women who have suffered from violence in family.” [34]

6.94 The report continued:

“The strong belief among police that this is a ‘family matter’ even after three years of implementation of the Domestic Violence Prevention Law and educational work of NGOs means that victims are unwilling to report to the police. The other problem that arises during the implementation of the Law is the low professional and cultural level of police officers that deal directly with the domestic violence cases and, according to the law, should do preventative work. In many cases, these police officers are not well educated, they have many stereotypes about the acceptability of violence in the family, they are sometimes perpetrators themselves, and very often, they are more sympathetic to the male perpetrator than to the female victim. There are a number of cases where police officers have taken bribes from the perpetrator, closed the case and do not provide any help or protection to the victim. In such situations, the other problem that arises during the implementation of the Law is the growing number of cases where police officers abuse the legal provision on Preventive Warnings of provocative behavior of victims of domestic violence; this is used to threaten and prevent victims from reporting to the police or even to encourage the perpetrator to send a counterclaim to the police that there was violence against himself.” [34]

6.95 The 2005 USSD report also noted that “The law prohibits rape but does not explicitly address spousal rape. A law against ‘forced sex with a materially dependent person’ may allow prosecution for spousal rape. According statistics [sic] from the MOI, during the first 11 months of the year, there were 868 incidents of rape or attempted rape reported to the police.” The same source stated:

“Prostitution is illegal but widespread and largely ignored by the government. For example, the national newspaper *Den* reported on October 19 [2005] that since the 2001 introduction of criminal penalties for organized prostitution (payment of an unspecified fine or 120 hours of work on public projects, or both), no criminal cases for organized prostitution have been opened. However, the media reported on May 26 [2005] that two policemen were given seven-year prison sentences for protecting pimps and prostitutes in Mykolayiv... Trafficking in women for sexual exploitation was a serious problem.” [3d] (Section 5)

(See Section 6.55 [People Trafficking](#))

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## CHILDREN

- 6.96 As noted in the 2005 USSD Country Report “The government was publicly committed to the defense of children’s rights, but budgetary considerations severely limited its ability to ensure these rights. Few government bodies or NGOs aggressively promoted children’s rights, except for a small number of faith-based organizations that primarily worked with orphans and street children.” The report also noted:

“Children continued to be victims of violence and abuse. The *Voice of Ukraine* newspaper reported that, in response to a January 2004 poll by the State Institute of Family and Youth, 43 percent of minors said that they had been victims of some form of violence. During 2003, 300 criminal cases were opened against parents for neglect of parental duties. The majority of complaints of abuse of children related to child prostitution, pornographic video sales, child molestation, and illegal child labor. For example, the media reported on February 9 that 2 adults in the Donetsk Region town of Snizhne were given suspended 4-year prison sentences for forcing their 11 foster children to work in an illegal coalmine. The MOI reported that during 2004, 6,200 parents received administrative sanctions, predominantly in the form of fines, for abusing their children.” [3d] (Section 5)

- 6.97 Gaytimes reported in an undated profile of Ukraine that the legal age of consent for heterosexuals is 16. [32] However, in a report updated in Spring 2006, recording the Sexual Offences Laws of Ukraine, Interpol noted “The legal age of consent for sexual activity is to be established by decision of a medical examiner.” [35]

- 6.98 The 2005 USSD report stated:

“The legal marriage age is 18 for males and 17 for females, but the law stipulates that a person who has reached the age of 14 may apply to a court for permission to marry if ‘it is established that marriage is in the person’s best interest,’ a formulation not further defined. Women under the age of 18 entered into 9 percent of marriages registered in rural areas and 3.2 percent of those in urban areas. Experts stated that underage marriage was not a significant problem; however, media in Zakarpattia Region have characterized underage marriage among Roma as a problem.” [3d] (Section 5)

- 6.99 The same source reported:

“Trafficking in children was a serious problem. The commercial sexual exploitation of children remained a serious problem. According to domestic and foreign law enforcement officials, a significant portion of the child pornography available on the Internet continued to originate in Ukraine. In contrast to 2004, the government took steps to combat child pornography. For example, in March, Ukraine sent law enforcement representatives to work with colleagues

from a number of foreign countries to investigate the cross-border sale of child pornography. According to the MOI, by the end of May, 87 criminal cases had been opened related to the manufacture and circulation of child pornography, and police had closed major child pornography studios in Dnipropetrovsk, Donetsk, Luhansk, and Lviv. On April 11, the news website Proua.com also reported on criminal charges filed against the operators of a major child pornography studio in an unidentified city. The studio reportedly used approximately 1,500 girls between the ages of 8 and 16 to create pornographic images for the Internet.” [3d] (Section 5)

(See Section 6.55 [People Trafficking](#))

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## CHILD LABOUR

6.100 The 2005 USSD Ukraine Country Report recorded:

“The government recognized child labor problems but did not effectively enforce laws to protect children from exploitation in the workplace. The legal minimum age for employment in most spheres of the economy is 16, but in certain non-hazardous industries, enterprises may negotiate with the government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short-term basis in the social sector and agriculture with the consent of one parent.

“The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. An amendment to the Law on Child Protection, adopted in February, prohibits trafficking in children and children working in hazardous conditions.

“Children worked in the agricultural sector, and trafficking of children for the purpose of forced labor and sexual exploitation was a problem. Begging by children existed, although it was limited. In the formal sector, the State Department of Surveillance Over Labor Legislation Observance and the State Labor Inspectorate are responsible for enforcing child labor laws and policies. The Department of Juvenile Affairs and the police are responsible for identifying children in the informal sector that are involved in worst forms of child labor. During the year enforcement measures were often inadequate to deter violations. The International Labor Organization’s International Program on the Elimination of Child Labor (ILO/IPEC) has a country-specific project aimed at eradicating the worst forms of child labor in the informal economy. The ILO/PEC also continued a project for prevention of trafficking in children.” [3d] (Section 6d)

(See Section 6.55 [People Trafficking](#))

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## CHILD SOLDIERS

- 6.101 The Coalition to stop the use of Child Soldiers 2004 Report noted that “The minimum recruitment age for officer trainees, who were considered members of the armed forces, was 17. Orphans and other children were admitted to military schools from the age of 12 or possibly even younger. Legislation protected under-18s from participation in direct hostilities.” [31]

(See also Section 5.36 [Military Service](#))

- 6.102 The same source reported:

“‘Military-patriotic’ training of young people was given increased emphasis as part of a move towards a fully professional, volunteer military by 2015. Such training aims at developing positive attitudes towards professional military service as a ‘constitutional duty’. In the final two years of secondary school, students attend a weekly ‘Defence of the Motherland’ class that is reportedly less militaristic than under Soviet rule. There are at least six military schools, including the Naval Institute in Sevastopol, Vasilkiv Air Force College, Mykolaiv Military Motor College, the Zabolotny Vinnitsa Medical College and schools in Kiev and Bojarka. Some of these schools were said to have recently altered their entrance requirements to admit children younger than 12. One was specifically for orphaned children. All were inclined to admit children from deprived backgrounds.” [31]

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## ORPHANAGES

- 6.103 A UNICEF report, dated 9 February 2005, stated “Living standards have declined dramatically over the past decade and many families – particularly those with single parents – are living below the poverty line. Amid these tough social and economic conditions, some mothers cannot cope and either abandon their children or give them up to orphanages. More than 100,000 children in Ukraine currently live in such institutions.” [14]

- 6.104 The 2005 USSD report said that:

“The number of homeless children, usually children who fled poorly maintained orphanages or poor domestic conditions, remained high. Estimates of the number of homeless children varied widely. The vice premier for humanitarian and social affairs told the press on April 21 [2005] that there were approximately 150 thousand homeless children in the country, but the State Service for Minors reported on July 11 [2005] that there were only 30 thousand. In June [2005] the respected independent national newspaper *Ukraina Moloda* quoted experts as putting the number at 129 thousand.

“During the year national political leaders gave significant attention to the issue of homeless children. On April 22 [2005], then-Prime Minister Tymoshenko held a day-long cabinet meeting on the issue. On June 7 [2005], the parliament held widely-publicized hearings on children’s rights.” [3d] (Section 5)

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## ADOPTION

- 6.105 In a guide to international adoption, the US Department of State Bureau of Consular Affairs noted on Ukraine that “On March 25, 2006 the Cabinet of Ministers of Ukraine approved Resolution #367 creating the new adoption authority under the Ministry of Family, Youth, and Sports. The new Ukrainian adoption authority is named the State Department for Adoption and Protection of Children’s Rights.” In its unofficial translation of a public notice issued by the Ministry of Family, Youth and Sports on 25 March 2006, the USSD Bureau of Consular Affairs said “In addition to adoption and guardianship issues, child placement to family-type orphanages and foster families, the Department will also be responsible for protection of children’s rights, freedom and interests, and prevention of children’s neglect and homelessness.” [3f]

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## LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 6.106 In an undated profile of Ukraine, Gaytimes reported that the age of consent for both gay men and lesbians was 16. The report also noted that:

“Homosexuality was decriminalised in 1991 and the Criminal code no longer make [sic] specific reference to homosexuality. The Ukrainian Constitution states that citizens have equal constitutional rights and freedoms and are equal before law though sexual orientation is not specifically mentioned. The list of grounds of discrimination include ‘on other basis’ so it theoretically could be used for LGBT issues but it has never been tested in court. Gays are exempt from the military which is considered an advantage allowing gays to avoid otherwise compulsory military service. Gay activist [sic] have been lobbying for improvements on gay and lesbian rights but so far they have been ignored by the political establishment.” [32]

- 6.107 The same source further noted:

“Public attitudes towards homosexuals are generally tolerant in Kiev and Kharkov, but in rural areas, especially in the Western Ukraine people are still extremely conservative and quite homophobic. Despite increasing westernisation since the collapse of communism, the Ukrainian gay scene is still quite small. In Kiev there are about 5 bars and clubs. There is also a small scene in Kharkov and Simeiz in Crimea. In the last 3 years a gay magazine has started being published called ‘Odin Iz Nas’ (One of Us).” [32]

- 6.108 The 2005 USSD Country Report recorded that:

“The media reported on March 22 [2005] that the anti-Semitic MAUP expelled a gay student from its law college because the student had circulated leaflets among fellow students calling for the protection of the rights of gays and lesbians. The gay student sued MAUP. On August 19 [2005], the Holosivskiy District Court in Kiev ruled in favor of the student and ordered MAUP to pay him



compensation of \$120 (UAH 600). The student subsequently transferred to Kiev State University.

“There were no indications that two cases of possible mistreatment of homosexuals were being pursued by the authorities. One case involved a February 2004 complaint to the ombudsman’s office by two gay men about harassment by police in Volyn Region. The other was the suspicious death in September 2004 of a gay man in Kryvyy Rih while in police custody.

“From September 30 until October 3 [2005], Nash Mir, the country’s leading NGO that advocates for gays and lesbians, hosted a conference in Kiev to publicize the results of a one-year study, financed by the EU and the International Renaissance Foundation, on discrimination against homosexuals. The final results were based on more than 900 interviews and questionnaires involving homosexuals of different sexes, ages, places of residence, and social status. It concluded that homosexuals were generally treated with prejudice in Ukrainian society. It noted that homosexuals faced discrimination from law enforcement agencies and the country’s health care workers, among others, and that the media frequently provided a ‘distorted representation’ of persons with non traditional sexual orientations.” [3d Section 5]

- 6.109 On the 19 May 2005, the website gay.org, Ukraine, reported on the celebration of an International Day Against Homophobia in Ukraine held on 17 May 2005. The report noted that a number of gay/lesbian organisations joined the international campaign aimed at informing society of the problems of discrimination on the grounds of sexual orientation. [15a] Nash Mir (Our World) Gay and Lesbian Center, a Ukrainian NGO fighting to achieve equal rights for homosexuals in Ukraine, [15b] participated in the event, where they organised a picket outside of the Economic Juridical School following the expulsion of one of its students because of his sexual orientation. [15a]

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## 6.C. HUMAN RIGHTS – OTHER ISSUES

### ORGANISED CRIME

- 6.110 The two key agencies that have the main responsibility in the fight against organised crime in Ukraine are the Security Service of Ukraine (SBU) and the Ministry of Interior (MoI). In 2005, the bodies and subdivisions of the MoI stopped the activities of 551 organised criminal groups (OCG). In relation to organised crime, 332 cases were actually prosecuted in Ukrainian courts and of these cases, 315 were returned with a guilty verdict. The SBU neutralised 45 OCGs in 2005 and evidence from the SBU was used to convict 987 persons. (International Centre for Migration Policy Development (ICMPD) May 2006 Report). [17] (p83-84)
- 6.111 In a letter to the Home Office, dated 26 May 2006, regarding the protection offered by the Ukrainian authorities against organised criminals, the FCO’s British Embassy in Kiev stated that the current Minister of Interior appears to be serious about fighting organised crime, and said that Ukraine had broken up 540 organised crime groups in 2005. However, the letter noted that there is little

objective evidence of this and by the Ministry's own admission, very few of the criminals investigated will have been successfully prosecuted. [2d]

6.112 The same source further mentioned that, although there is a law dating from 1994 providing for a Witness Protection Programme, the law has not been properly implemented and levels of witness protection in Ukraine are weak. The letter also noted that the law only provides for witnesses to be relocated within Ukraine and as a consequence it is not uncommon for people in fear of their safety to hire their own protection. [2d]

6.113 The 2005 USSD report noted:

"During the year politicians, politically active businessmen, and journalists were the victims of attacks that sometimes were fatal and may have been politically motivated; however, business, government, and criminal activities were intertwined to such an extent that it was often difficult to determine the motives. For example, the press reported on November 29 [2005] that former Lviv Region Governor Stepan Senchuk had been shot and killed in an apparent contract killing by unidentified gunmen in a village outside Lviv. Senchuk, a businessman, had joined President Yushchenko's People's Union/Our Ukraine party earlier in the year." [3d] (Section 1a)

6.114 The same report noted that "In February, April, and May [2005], major newspapers reiterated allegations that gangs of rogue officers of the Ministry of Internal Affairs (MOI), colloquially known as 'werewolves', had been involved in previous years in killings and kidnappings connected to organized crime, but there were no indications that these allegations were being actively investigated." [3d] (Section 1a)

6.115 On the 31 January 2006, the Ministry of the Interior of Russia reported on the apprehension of members of the "bloodiest and the most powerful Ukrainian gang, called 'Donetsk Brigade'." The apprehension took place in Moscow, following a two-year Russian/Ukrainian investigation. The report noted "[that] According to Ukrainian security services, members of the 'brigade' are responsible for at least 50 solved contract murders." [12]

6.116 Describing the joint operation, the Ministry of the Interior of Russia's report stated "According to the Russian criminal investigation department, they were approached by their Ukrainian colleagues ..., asking help and advising that most of the Donetsk Brigade had moved to Moscow in an attempt to avoid prosecution. The thugs' new addresses were established within two weeks, after which several teams, made up of Russian and Ukrainian criminal militia officers and backed up by militia task forces, began the operation." [12]

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## TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS

6.117 As stated in the 2005 USSD Country Report:

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their

findings on human rights cases. In contrast to 2004, government officials met with domestic and international human rights NGOs and often appeared attentive to their views. The NGO community complained, however, that the authorities remained generally unwilling to make policy changes in response their [sic] recommendations. According to the Ukrainian Psychiatric Association, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry. [3d] (Section 4)

(See Section 5.51 [Psychiatric Treatment](#))

- 6.118 The same source reported that “Major independent, non-partisan, national human rights NGOs included the Committee of Voters of Ukraine, the Kharkiv Human Rights Protection Group, the Ukrainian Helsinki Human Rights Union, the Institute for Mass Information, Telekrytyka, and the Ukrainian-American Bureau for the Protection of Human Rights.” [3d] (Section 4)

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## TREATMENT OF ASYLUM SEEKERS

- 6.119 The 2005 USSD Country Report noted that:

“The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided limited protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee or asylum status infrequently. In an April 20 [2005] meeting with the minister of justice, the Office of the UN High Commissioner for Refugees (UNHCR) regional representative called on Ukraine to abide by international standards in protecting the rights of refugees.

“The government provided temporary protection for up to one year to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.” [3d Section 2d]

- 6.120 In a report on violations of rights against migrants and asylum seekers in Ukraine, dated November 2005, Human Rights Watch (HRW) noted that:

“Human Rights Watch’s research reveals that Ukraine fails to comply with its international obligations on every measure related to migration management and the right to seek asylum. In practice, Ukrainian government officials frequently do not recognize UNHCR documents. Migrants and asylum seekers face a significant risk of arbitrary detention. Chechen asylum seekers are subject to police profiling, have no access to asylum procedures in Ukraine, and are regularly returned to the Russian Federation, raising serious concerns about refoulement. Protection against refoulement is inadequate. Corruption is pervasive, with bribery being sometimes the only option for migrants and asylum seekers wishing to obtain protection.” [9b] (p19)

- 6.121 In a press release dated 16 February 2006, UNHCR announced that:

“The UN refugee agency said it was appalled to discover that 11 asylum seekers from Uzbekistan had been forcibly deported back to their home country by the Ukrainian authorities on Tuesday night [14 February 2006]. Nine of the asylum seekers had earlier registered their asylum claims with the Ukrainian authorities and the other two had expressed their intention to also claim asylum. ‘We deplore this action, which the authorities carried out in contravention of their international obligations’, said Pirkko Kourula, Director of UNHCR’s Bureau for Europe.” [5]

6.122 The 2005 USSD report noted:

“The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers and operated refugee reception centers in Vinnytsya and Odesa. However, the State Committee for Nationalities and Migration at times showed little interest in refugee protection, poorly implemented agreements with the UNHCR, and often refused to share important information with the UNHCR.

“According to UNHCR officials, one of the biggest obstacles to the implementation of the government’s commitments to the protection of refugees is a law, which authorities strictly enforced, requiring applicants for refugee status apply [sic] within three working days of their illegal entry, or within five working days of their legal entry, into the country. This led the authorities to refuse to initiate asylum procedures for approximately 70 percent of all asylum seekers during 2003, the latest year for which statistics were available. As a result, many asylum seekers remained undocumented and faced arrest, detention, and deportation. In addition the law allows for the deprivation of refugee status for mere suspicion of involvement in activities that pose a threat to the national security, public order, or health of the population of the country.” [3d Section 2d]

6.123 The USSD 2005 report also said that “Police harassment of refugees with dark skin, and, to a lesser degree, Asians, continued during the year. There were also multiple, credible reports from human rights NGOs and diplomats that refugees, especially those from Africa and Asia, were regularly abused at detention centers in Zakarpattya Region, which borders EU member states Poland, Slovakia, and Hungary.” [3d Section 2d]

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## DETENTION CENTRES

6.124 A Human Rights Watch November 2005 report on violations of rights against migrants and asylum seekers in Ukraine, noted that “More than 8,000 foreigners were detained by the Border Guard Service of Ukraine in 2004. The detainees interviewed by Human Rights Watch in Ukraine were migrants and asylum seekers detained either for illegally entering Ukraine or for living in Ukraine without valid travel documents or residence permits.” [9b] (p34)

6.125 The same source stated:

“Migrants and asylum seekers face a significant risk of arbitrary detention in Ukraine. Human Rights Watch’s research indicates that migrants and asylum seekers in Ukraine are routinely subjected to substandard conditions of detention, physical abuse, and verbal harassment. Our research revealed that those in detention lack basic procedural rights, including access to counsel, doctors, and interpreters, the right to challenge the lawfulness of their detention, and the opportunity to communicate with family, friends, and the outside world. Many migrants and asylum seekers we interviewed were not informed of the reasons for their detention, nor told how long they were likely to remain in detention.” [9b] (p33)

- 6.126 The HRW report further noted “Detainees interviewed by Human Rights Watch reported physical and psychological abuse at the Kyiv, Lviv, and Cernihiv vagabonds’ centers, Lviv border-guard regional detention facility, Pavshino center for men, and Chop and Rava Ruska border facilities. Afghan and Chechen detainees, in particular, reported such abuse” [9b] (p42)

- 6.127 HRW also stated that:

“Detention conditions in Ukraine do not meet the minimum standards established by international law. Substandard conditions prevailed in all of the detention facilities visited by Human Rights Watch. Although some facilities appeared to have improved recently (e.g. Pavshino center for men), and many facilities were undergoing renovations at the time of our visit, we are concerned that these were merely cosmetic changes. Detainees told Human Rights Watch that prior to our visits, authorities took ad hoc measures to clean up some of the facilities (e.g. painting of benches and doors, cleaning the hallways, changing bedding, and printing schedules of daily activities).

“In every facility visited, however, overall conditions were poor, with overcrowding and poor nutrition. In all the facilities detainees lacked access to regular exercise, medical treatment, and adequate clothing. In some facilities there was no natural light, ventilation was extremely poor, and access to fresh air was limited or non-existent. Some facilities lacked heating, proper bedding, and adequate toilet or bathing facilities. Personal hygiene items were scarce.” [9b] (p44)

- 6.128 The 2005 USSD report stated:

“There were reports that the makeshift Pavchino detention center received no state funds during the year. Border guards generated income, including their own salaries, by ‘leasing’ migrants to a neighboring factory. Border guards also illegally released detained migrants whose families paid bribes, usually in the amount of \$1,200 (UAH 6 thousand), transferred via wire. Border guards also stole food packages and phone cards provided to refugees by the EU. Moreover, border guards only accepted asylum applications prepared by lawyers whom the migrants had to pay for their services; the lawyers then split their fees with the guards. Applications prepared, for example, by NGO lawyers working pro bono were not accepted...

“Conditions at the Mukacheve detention center for migrant women and children were somewhat better than at Chop. According to human rights groups, the temporary accommodation/refugee processing center in Latoritsa, which

opened in June [2005], met all standards set by the Geneva Refugee Convention.” [3d] (Section 2d)

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## FRAUDULENT DOCUMENTS

- 6.129 An email to the Home Office from the FCO, dated 7 June 2006, stated that forged or stolen documents were readily available in Ukraine, primarily used by Ukrainian nationals seeking to enter the EU or USA illegally, and third party nationals who have entered the Ukraine illegally and are looking for onward travel documentation. [2e]
- 6.130 The FCO noted that the Ukrainian passport authorities (part of the Mol) are not computerised and still operate the Soviet system of numerous regional offices, with a passport issuing authority. It is therefore quite straightforward for an individual to obtain a passport in another name by approaching another regional office and applying for a second passport. The FCO stated that corrupt local officials also play a part in this process. [2e]
- 6.131 Genuine Israeli passports, which have been altered, are also easily obtainable in Kiev. This is mainly due to Ukrainian organised crime connections with Israel, but also to Ukrainian expats returning from Israel, reporting their passport lost and then selling it. Intelligence indicates that a large number of Ukrainian nationals enter Poland on genuine documents and once there, obtain a high quality forged Lithuanian passport for onward travel to the EU. (FCO email, 7 June 2006). [2e]

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## Annex A: Chronology of Events

- 1945** Allied victory in World War II leads to Soviet annexation of western Ukrainian lands.
- 1954** Armed resistance to Soviet rule ends with defeat of Ukrainian Insurgent Army (UPA).
- 1960s** Increase in covert opposition to Soviet rule, leading to repression of dissidents in 1972.
- 1986** A reactor at the Chernobyl nuclear power station explodes, sending a radioactive plume across Europe. Desperate efforts are made to contain the damaged reactor within a huge concrete cover. Many armed forces personnel die of radiation sickness.
- 1988** Prominent writers and intellectuals set up Ukrainian People's Movement for Restructuring (Rukh).
- 1990** Student protests and hunger strikes bring down government of Vitaliy Masol.

## INDEPENDENCE

- 1991** Ukraine declares independence following attempted coup in Moscow: 90 per cent vote for independence in nationwide referendum in December.  
Early to mid 1990s - About 250,000 Crimean Tatars and their descendants return to Crimea following collapse of Soviet Union.
- 1994** Presidential elections: Leonid Kuchma succeeds Leonid Kravchuk.
- 1996** New, democratic constitution adopted. New currency, the hryvna, is introduced.
- 1997** Friendship treaty signed with Russia. Ukraine and Russia also reach agreement on the Black Sea fleet.
- 1999** Death penalty abolished. President Kuchma re-elected.
- 2000** Chernobyl nuclear power plant is shut down, 14 years after the accident. Well over ten thousand people have died as a direct result of the explosion, the health of millions more has been affected.
- 2001 February** - The European Union calls for an inquiry into the murder of an investigative journalist Georgiy Gongadze. Opposition demonstrations allege that President Kuchma was involved and call for his impeachment. President Kuchma denies the allegations.
- 2001 April** - Viktor Yushchenko government dismissed following no-confidence vote in parliament. Yushchenko was respected in the West for fighting corruption, pushing ahead with economic reforms and working to attract investment but unpopular with numerous powerful Ukrainian businessmen.
- 2001 June** - Pope John Paul II makes first visit to Ukraine amid protests by Orthodox Christians in Ukraine and Russia against the visit.
- 2001 October** - Ukrainian military accidentally shoot down Russian air liner over the Black Sea, killing all 78 on board. Defence Minister Olexander Kuzmuk resigns.
- 2001 October** - Ukraine's last Soviet-era nuclear missile silo destroyed.
- 2002 March** - General election results in hung parliament. Parties opposed to President Kuchma allege widespread electoral fraud.
- 2002 May** - Leadership announces decision to launch formal bid to join Nato.
- 2002 July** - More than 80 killed and 100 injured when military aircraft crashes into spectators at air show in western Ukraine. Disaster leads to sacking of air force chief Viktor Strelnykov.
- 2002 September** - Opposition stages mass protests demanding resignation of President Kuchma whom they accuse of corruption and misrule.

Relations with the West are strained after US officials authenticate recordings in which they say Kuchma is heard to approve the sale of early-warning radar systems to Iraq. On the same tapes, recorded over two years previously, Kuchma is also allegedly heard ordering an official to “deal with” journalist Georgiy Gongadze.

- 2002 November** - President Kuchma sacks Prime Minister Kinakh. Viktor Yanukovych, governor of Donetsk region, appointed to replace him. He promises to fight poverty and work for integration into Europe.
- 2003 March** - Tens of thousands of people join Kiev demonstrations demanding that Kuchma resign.
- 2003 June** - Defence Minister Shkidchenko resigns after the leadership criticises armed forces reform. Kuchma appoints Security Council chief Yevhen Marchuk to replace him.
- 2003 August** - First detachment of Ukrainian troops leaves for Iraq. Kiev promises to send 1,600 soldiers to help restore order.
- 2003 October** - Border dispute erupts with Moscow after Russia embarks on building causeway across the Kerch Strait between Russian coast and Ukrainian island of Tuzla off Crimean shores. The strait also separates the Black Sea from the Azov Sea.
- 2003 December** - Presidents Kuchma and Putin meet in Crimea, sign agreement on joint use of Kerch Strait and status of Azov Sea in apparent move to defuse border dispute, although Kremlin denies that Tuzla featured in discussions.
- 2004 May** - Five killed when fire breaks out at ammunition dump in south of country, sparking days of explosions and causing hundreds of millions of dollars worth of damage to surrounding area.
- 2004 June** - Consortium in which President Kuchma’s son-in-law Viktor Pinchuk plays key role buys Krivoriizhstal, the country’s largest steel mill, for a bargain price.
- 2004 July** - Underground gas explosion kills over 30 coal miners.
- 2004 August** - Ukraine ignores protests from EU and Romania by opening canal in the Danube delta which will link with Black Sea, rejecting claims that it will cause environmental damage.

## “ORANGE REVOLUTION” AND BEYOND

- 2004 November** - Official count indicates presidential election victory for Prime Minister Viktor Yanukovych. Western observers report widespread vote rigging. Opposition candidate Viktor Yushchenko launches campaign of street protest and civil disobedience. Supreme Court later annuls result of poll.
- 2004 December** - Opposition candidate Viktor Yushchenko tops poll in election re-run. Rival candidate Viktor Yanukovych challenges result but resigns as prime minister.
- 2005 January** - Eight Ukrainian peacekeepers killed in incident in Iraq. Viktor Yushchenko sworn in as president after Supreme Court rejects challenge by losing candidate Mr Yanukovych.
- 2005 February** - President’s nominee Yulia Tymoshenko overwhelmingly approved as prime minister by parliament.
- 2005 February** - Court annuls June 2004 sale of Krivoriizhstal.
- 2005 March** - President Yushchenko announces that suspected killers of journalist Georgiy Gongadze are in custody. He also accuses the former authorities of a cover-up.  
Former Interior Minister Kravchenko, who had been due to give evidence in Gongadze investigation, shot dead in apparent suicide.

- 2005 September** - Oleksandr Zinchenko resigns as President Yushchenko's chief of staff and makes corruption allegations against several senior officials. The president dismisses the government of Yulia Tymoshenko. Parliament approves Mr Yushchenko's candidate for the premiership, Yuri Yekhanurov, at the second attempt.
- 2005 October** - Krivorizhstal reauctioned. Mittal Steel pays six times the price paid for it when it was originally put up for sale.
- 2006 January** - Russia briefly cuts supply of gas for Ukrainian use in row over prices. Moscow says its reasons are purely economic but Kiev says they are political. Previously agreed changes to constitution shift some significant powers from the president to parliament. Concerns that the deal ending the gas dispute had yielded too much to Russia lead parliament to pass a vote sacking the government of Yuri Yekhanurov. President Yushchenko says he will consult lawyers over the move. The government carries on for the time being. The trial of three former policemen charged with killing opposition journalist Georgiy Gongadze begins in Kiev. Mr Gongadze's widow says that those who ordered the killing must also face justice.
- 2006 March** - Viktor Yanukovich's party tops polls in parliamentary elections. Yuliya Tymoshenko's takes second place, leaving President Yushchenko's trailing in third. [1b]

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## **Annex B: Maps**

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**[m1] Map of Ukraine**

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKAR-64GE2R?OpenDocument>  
(accessed 17 March 2006)

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## **Annex C: Political Parties**

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**Agrarian Party**

Led by Volodymyr LYTVYN.

**Communist Party of Ukraine (CPU)**

Led by Petro SYMONENKO.

**Democratic Initiatives**

Led by Stepan HAVRYSH.

**Industrialists and Entrepreneurs**

Led by Anatoliy KINAKH.

**Our Ukraine Bloc** (comprised of several parties, the most prominent of which are Rukh, the Ukrainian People's Party, Reforms and Order, and Solidarity)

Led by Viktor YUSHCHENKO.

**People's Democratic Party (PDP)**

Led by Valeriy PUSTOVOYTENKO.

**Regions of Ukraine**

Led by Viktor YANUKOVYCH.

**Socialist Party of Ukraine (SPU)**

Led by Oleksandr MOROZ.

**United Social Democratic Party**

Led by Viktor MEDVEDCHUK.

**Working Ukraine**

Led by Serhiy TYHYPKO.

**Yulia Tymoshenko Bloc**

Led by Yulia TYMOSHENKO. [4]

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## **Annex D: Prominent People**

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### **Viktor Yushchenko (President)**

As recorded by BBC News in its Country Profile on Ukraine dated 30 May 2006:

“Viktor Yushchenko was sworn in in early 2005. Neither his path to the presidency nor his time in office so far have been smooth. When he was declared to have lost elections in late 2004 to Viktor Yanukovich, the candidate backed by outgoing president Leonid Kuchma, Mr Yushchenko and his supporters took to the streets in huge numbers to protest that the vote had been rigged. After 10 days of peaceful but dramatic demonstrations dubbed the Orange Revolution a rerun was ordered. Mr Yushchenko won. He is regarded as a pro-Western liberal reformer but has also spoken of Russia’s role as an important strategic partner... The president was born in north-east Ukraine in 1954. He is an economist and banker by training. He served as prime minister under Leonid Kuchma between 1999 and 2001 when he was credited with steering through successful economic reforms.” [1a]

### **Yulia Tymoshenko (Prime Minister February – September 2005)**

The Foreign & Commonwealth Office (FCO), in its Country Profile on Ukraine dated 9 February 2006, stated that following the Orange Revolution of December 2004: “The Rada appointed a new government on 4 February 2005 following the approval by a substantial majority of Yulia Tymoshenko as Prime Minister. EU integration was the dominant theme of the new government's ambitious programme. The programme also confronted a number of the main domestic challenges in Ukraine, focusing on corruption as the number one problem. . . However, due to public disagreements within the government, Yushchenko decided to sack his entire cabinet on 8 September 2005, including Prime Minister Tymoshenko.” [2a]

Tymoshenko currently leads her own political group, the “Yulia Tymoshenko Bloc.” [4]

Tymoshenko due to be reinstated as Prime Minister following March 2006 parliamentary elections and the formation of a coalition government between Our Ukraine, Yuliya Tymoshenko's Bloc and the Socialist Party. [33e]

### **Yuri Yekhanurov (Prime Minister September 2005 – June 2006) (Caretaker from March 2006)**

Yushchenko appointed Yuri Yekhanurov as Prime Minister. Yekhanurov was a former economist and long time ally of Yushchenko's, having previously served as Deputy Prime Minister with him. After initially being rejected by the Rada, and following a pact between Yushchenko and his former presidential rival Regions Party leader Yanukovich, Yekhanurov was approved in a second vote on 22 September 2005. (FCO Country Profile: Ukraine, 9 February 2006) [2a]

### **Leonid Kuchma (President 1994 – 2004) [2a]**

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## Annex E: List of abbreviations

|                 |   |
|-----------------|---|
| <b>AI</b>       | Amnesty International   |
| <b>CEDAW</b>    | Committee on the Elimination of All Forms of Discrimination Against Women |
| <b>CEELI</b>    | Central European and Eurasian Law Initiative                              |
| <b>CIS</b>      | Commonwealth of Independent States  |
| <b>CPJ</b>      | Committee to Protect Journalists  |
| <b>EU</b>       | European Union  |
| <b>EBRD</b>     | European Bank for Reconstruction and Development                          |
| <b>ECHR</b>     | European Convention on Human Rights                                       |
| <b>ERRC</b>     | European Roma Rights Centre   |
| <b>FCO</b>      | Foreign and Commonwealth Office (UK)                                      |
| <b>FH</b>       | Freedom House   |
| <b>GDP</b>      | Gross Domestic Product  |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome           |
| <b>HRW</b>      | Human Rights Watch  |
| <b>IAG</b>      | Illegal Armed Group   |
| <b>ICG</b>      | International Crisis Group  |
| <b>ICRC</b>     | International Committee for Red Cross                                     |
| <b>IDP</b>      | Internally Displaced Person   |
| <b>IFRC</b>     | International Federation of Red Cross and Red Crescent Societies          |
| <b>IMF</b>      | International Monetary Fund   |
| <b>IOM</b>      | International Organization for Migration                                  |
| <b>MOI</b>      | Ministry of Interior  |
| <b>MSF</b>      | Médecins sans Frontières  |
| <b>NA</b>       | Northern Alliance   |
| <b>NATO</b>     | North Atlantic Treaty Organisation  |
| <b>NGO</b>      | Non Governmental Organisation   |
| <b>OCHA</b>     | Office for the Coordination of Humanitarian Affairs                       |
| <b>ODIHR</b>    | Office for Democratic Institutions and Human Rights                       |
| <b>ODPR</b>     | Office for Displaced Persons and Refugees                                 |
| <b>OECD</b>     | Organization of Economic Cooperation and Development                      |
| <b>OHCHR</b>    | Office of the High Commissioner for Human Rights                          |
| <b>OSCE</b>     | Organisation for Security and Cooperation in Europe                       |
| <b>PCDP</b>     | People's Christian Democratic Party                                       |
| <b>PCM</b>      | Communist Party of Moldova  |
| <b>QCEA</b>     | Quaker Council for European Affairs                                       |
| <b>SBU</b>      | Security Service of Ukraine   |
| <b>SSR</b>      | State Service for Religions   |
| <b>STD</b>      | Sexually Transmitted Disease  |
| <b>STC</b>      | Save The Children   |
| <b>TB</b>       | Tuberculosis  |
| <b>TI</b>       | Transparency International  |
| <b>UN</b>       | United Nations  |
| <b>UNAIDS</b>   | Joint United Nations Programme on HIV/AIDS                                |
| <b>UNESCO</b>   | United Nations Educational, Scientific and Cultural Organization          |
| <b>UNFPA</b>    | United Nations Population Fund  |
| <b>UNHCHR</b>   | United Nations High Commissioner for Human Rights                         |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees                             |
| <b>UNICEF</b>   | United Nations Children's Fund  |
| <b>UNODC</b>    | United Nations Office on Drugs and Crime                                  |
| <b>USAID</b>    | United States Agency for International Development                        |

**USSD** United States State Department  
**WFP** World Food Programme  
**WHO** World Health Organization

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## Annex F: List of Source Material

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*The Home Office is not responsible for the content of external websites.*

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[http://news.bbc.co.uk/1/hi/world/europe/country\\_profiles/1107869.stm](http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1107869.stm)
  - c BBC Ukraine leader sacks government, 08.09.05 (accessed 17 March 2006)  
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  - b Email from Baker & McKenzie, FCOs Honorary Legal Advisors, re: Ukraine registration system, dated 26 September 2005
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  - d Letter from British Embassy Kiev, re: organised crime in Ukraine, dated 26 May 2006
  - e Email re: Availability of fraudulent and/or illegal identity documents, dated 7 June 2006
- [3] **US Department of State** <http://www.state.gov>
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